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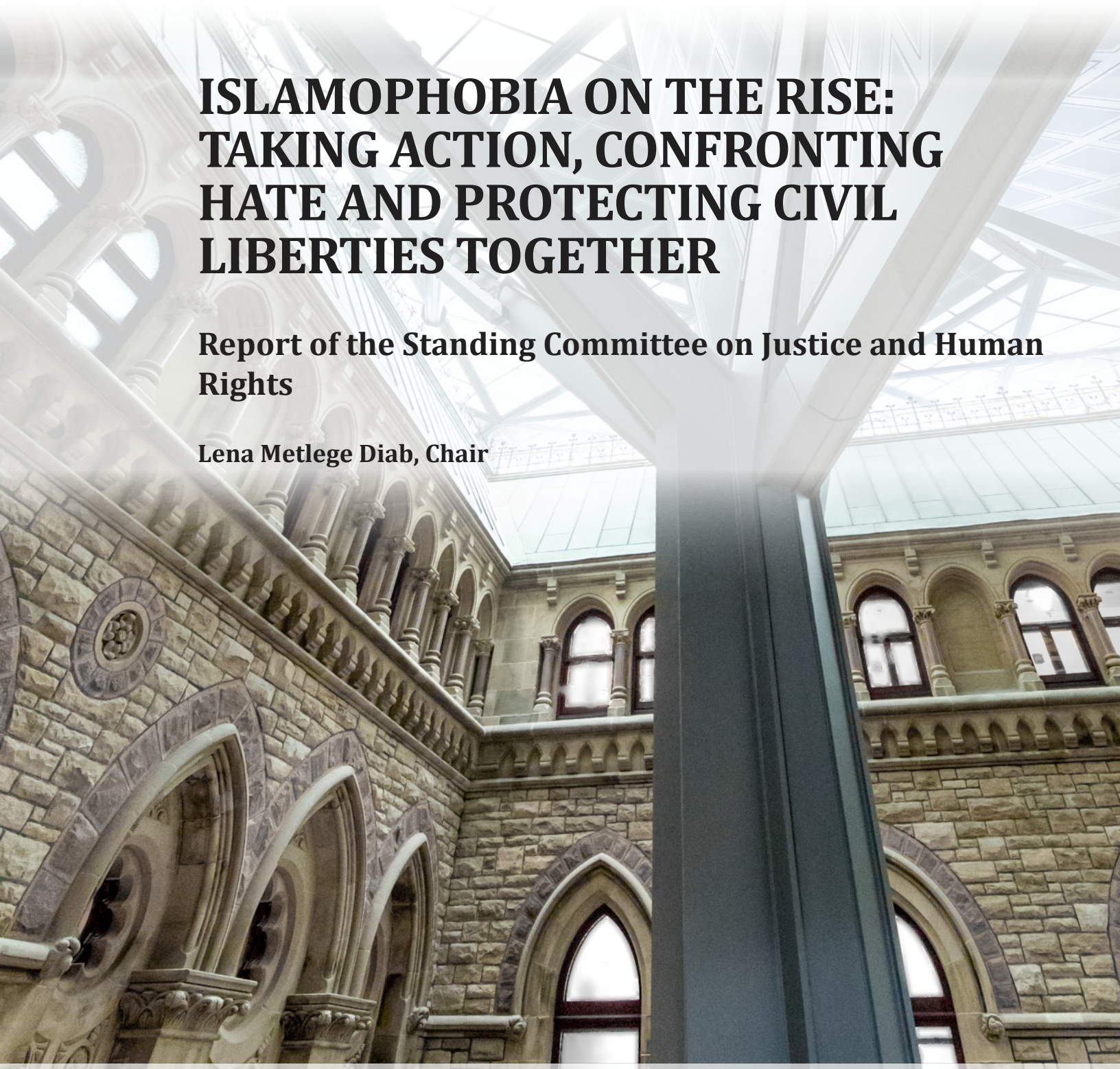

ISLAMOPHOBIA ON THE RISE: TAKING ACTION, CONFRONTING HATE AND PROTECTING CIVIL LIBERTIES TOGETHER

Report of the Standing Committee on Justice and Human Rights

Lena Metlege Diab, Chair

DECEMBER 2024
44th PARLIAMENT, 1st SESSION

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Chair

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NOTICE TO READER

Reports from committees presented to the House of Commons

Presenting a report to the House is the way a committee makes public its findings and recommendations on a particular topic. Substantive reports on a subject-matter study usually contain a synopsis of the testimony heard, the recommendations made by the committee, as well as the reasons for those recommendations.

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has the honour to present its

TWENTY-SIXTH REPORT

Pursuant to its mandate under Standing Order 108(2), the committee has studied Islamophobia and additional measures that could be taken to address the valid fears that are being expressed by Canada's Muslim community and has agreed to report the following:

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LIST OF RECOMMENDATIONS

As a result of their deliberations committees may make recommendations which they include in their reports for the consideration of the House of Commons or the Government. Recommendations related to this study are listed below.

Recommendation 1

That the Government of Canada fully implement all recommendations of the 2023 Standing Senate Committee on Human Rights' report entitled *Combatting Hate: Islamophobia and its impact on Muslims in Canada* and follow through on all of the commitments made at the 2021 National Summit on Islamophobia. 41

Recommendation 2

That the Government of Canada:

- **formally recognize discrimination towards Palestinians as a distinct group;**
- **invest in research to better understand this form of discrimination, including how it intersects with Islamophobia and anti-Arab discrimination; and**
- **develop a concrete plan to combat this form of discrimination in consultation with Muslim, Arab and Palestinian communities. 42**

Recommendation 3

That the Government of Canada, in its public communications, firmly and unequivocally denounce Islamophobia and related forms of discrimination, including discrimination towards Arabs and Palestinians. 42

Recommendation 4

That the Government of Canada develop, in consultation with Muslim, Arab and Palestinian communities, and respecting the jurisdiction of the provinces and territories, initiatives aimed at promoting cultural understanding, challenging stereotypes and fostering empathy towards these communities, and provide sufficient resources to ensure the efficacy of these initiatives. 42

Recommendation 5

That the Government of Canada, in line with its commitment to build strong communities and celebrate multiculturalism, respecting the jurisdiction of, and in consultation and collaboration with, the provinces and territories, provide funding for civic initiatives in communities across the country that teach critical thinking, digital literacy and resilience against all forms of hatred and extremism, including Islamophobia, anti-Arab discrimination, anti-Palestinian discrimination, antisemitism and other forms of bigotry. 42

Recommendation 6

That the Government of Canada develop legislative measures or policies to promote greater transparency with respect to social media algorithms, content enforcement policies and advertising, and to hold social media companies accountable for the harms they cause. 43

Recommendation 7

That the Government of Canada develop legislative measures to address online hate in consultation with, notably, members of Muslim, Arab and Palestinian communities, and that such measures include rigorous oversight mechanisms to guard against the suppression of legitimate speech from such groups. 43

Recommendation 8

That the Government of Canada enhance Public Safety Canada's Security Infrastructure Program by providing a liaison officer to assist with the application process in emergency situations. 43

Recommendation 9

That the Government of Canada provide additional resources to community-based initiatives to combat Islamophobia, anti-Arab discrimination and anti-Palestinian discrimination across the country, including research and data collection initiatives. 43

Recommendation 10

That the Government of Canada provide additional resources to establish and maintain dedicated police hate crime units across the country. 43

Recommendation 11

That the Government of Canada take active steps to better understand and address Islamophobia, anti-Arab discrimination and anti-Palestinian discrimination in federal workplaces, including revising relevant laws, policies, and professional development initiatives. 43

Recommendation 12

That the Government of Canada increase resources available to the Canadian Human Rights Commission and other relevant federal agencies to develop programs aimed at preventing antisemitism, Islamophobia, anti-Arab discrimination and anti-Palestinian discrimination in the workplace. 44

Recommendation 13

That the Government of Canada, respecting the jurisdiction of, and in consultation and collaboration with, the provinces and territories affirm the need for educational institutions, including universities, colleges and post-secondary institutions: to support the freedom of expression, academic freedom, safety and well-being of all students, staff and faculty; to provide clear direction on the difference between feeling safe and being uncomfortable; to increase representation of Muslim, Palestinian and Arab faculty members; and to dedicate resources to support students, faculty and staff, including designating Special Advisors to the Presidents to provide advice on civil liberties, Islamophobia and anti-Palestinian racism. 44

Recommendation 14

That the Government of Canada provide funding for the further collection of quantitative and qualitative data regarding experiences of Islamophobia, anti-Arab discrimination and anti-Palestinian discrimination on university campuses across the country. 44

Recommendation 15

That the Government of Canada convene a national review committee, comprised of federal, provincial and municipal representatives, university administrators, faculty members, and students, to understand the impact of increased Islamophobia, anti-Arab discrimination and anti-Palestinian discrimination across campuses, and to develop non-binding recommendations to ensure a healthier campus environment. 44

ISLAMOPHOBIA ON THE RISE : TAKING ACTION, CONFRONTING HATE AND PROTECTING CIVIL LIBERTIES TOGETHER

CHAPTER 1—INTRODUCTION

> **"I never imagined that the most formative years of my life, my teens, would be spent fighting hate and Islamophobia so that others would not experience the pain that my friends and I have had to experience."**
>
> Maryam Al-Sabawi, Youth Coalition Combating Islamophobia

> **"Canada holds the devastating and regrettable distinction of having the most targeted murders of Muslims of any G7 country. Quite simply, being Muslim in Canada is not as safe as it should be."**
>
> Amira Elghawaby, Special Representative on Combatting Islamophobia

Islamophobia has wreaked devastating consequences in Canada in recent years. Now, communities still mourning the loss of loved ones following the mass shooting at a Quebec City mosque in 2017, and the pickup truck attack against a Muslim family in London, Ontario in 2021, are facing a new wave of hateful rhetoric and violence. During this study, several witnesses noted the increase in Islamophobic incidents over the past year.[1] Women wearing the hijab are being harassed, assaulted, and spat on in public. Mosques are being threatened and vandalized. Canadian Muslims are being blamed for acts of terrorism abroad; some are losing their jobs due to their religious and political beliefs.

1 See, for example, House of Commons, Standing Committee on Justice and Human Rights (JUST), *Evidence*, 6 June 2024 (Stephen Brown, Chief Executive Officer, National Council of Canadian Muslims); JUST, *Evidence*, 10 June 2024 (Amira Elghawaby, Special Representative on Combatting Islamophobia, Office of the Special Representative on Combatting Islamophobia; Husein Panju, Chair, Canadian Muslim Lawyers Association; Fauzia Mazhar, Executive Director, Coalition of Muslim Women of KW).

This new wave of Islamophobia has emerged within a broader context of rising hate towards several minority groups, set against the backdrop of resurgent geopolitical tensions, the growing force of extremism online, and other polarizing forces. The common threads linking these bigotries cannot be ignored. And yet, Islamophobia in Canada today is a distinct and especially virulent form of hate—one that calls for its own, carefully tailored response.

On 21 March 2024, the House of Commons Standing Committee on Justice and Human Rights (the committee) adopted a motion to undertake two independent studies "in view of the alarming escalation of antisemitism and Islamophobia in Canada."[2]

In June 2024, the committee held three meetings on the issue of Islamophobia, during which it heard from 19 witnesses, including victims of Islamophobic attacks, Muslim youth, mosque leaders, civil society organizations, and university professors.[3] The committee also received over 40 written submissions. The committee wishes to express its gratitude to all those who participated in the study, and to commend, in particular, the courage shown by those who appeared before the committee to share their own lived experiences of Islamophobic violence and hate.

According to Statistics Canada's 2021 census, Canadians who identify as Muslim count 1,775,715, representing 4.9 % of the Canadian population.[4]

CHAPTER 2—WHAT WE HEARD

2.1 Recent Manifestations of Islamophobia

The committee heard deeply disturbing evidence detailing recent experiences of Islamophobia and related forms of discrimination in Canada. The impacts felt by the victims, their families and their communities are palpable in the evidence. While a comprehensive review of such incidents is beyond the scope of the report, the committee feels that hearing the experiences of those most directly affected by Islamophobia is critical to grasping the full extent of the problem. What follows, therefore, is a description of some particularly concerning examples of Islamophobia heard throughout the study.

2 JUST, *Minutes of Proceedings*, 21 March 2024.

3 Appendices B and C of this report provide a list of witnesses who appeared before the committee and a list of briefs, respectively.

4 Statistics Canada, "Religion by gender and age: Canada, provinces and territories," 21 June 2023.

2.1.1 Physical Violence, Threats, Harassment and Vandalism

The recent history of Islamophobia in Canada has been marked by two horrific acts of deadly violence: the mass shooting that killed six worshippers and injured many more at a Quebec City mosque in 2017, and the pickup truck attack on the visibly Muslim Afzaal family in London, Ontario in 2021 that killed four people and left a nine-year old boy orphaned. In her testimony, Amira Elghawaby, Special Representative on Combatting Islamophobia, stated that "Canada holds the devastating and regrettable distinction of having the most targeted murders of Muslims of any G7 country. Quite simply, being Muslim in Canada is not as safe as it should be."[5]

The committee heard deeply moving testimony from those affected by these tragedies. Ali Islam, a close relative of the Afzaal family, described how his own children lost their sense of safety and belonging following the 2021 attack. "The innocence of all the children in my family vanished, especially that of my nine-year-old great-nephew, now an orphan," he told the committee. "For my wife, the effect of the violent expression of Islamophobia is that, in her mind, she now says a final goodbye whenever the children and I walk out the door every single day."[6]

Maryam Al-Sabawi of the Youth Coalition Combating Islamophobia, a close friend of 15-year old Yumna Afzaal, who was killed in the attack, testified:

> Sleepless nights, fear of trucks and an inability to go for walks have caused me to reflect on what was actually taken from us on June 6, 2021. We didn't just lose Yumna and her beautiful family. We also lost our sense of belonging, our sense of community, our sense of safety and our sense of self. We even lost our innocence. […] All of it was taken because of hate that was left unchecked, hate that was given endless opportunities to grow and hate that was carefully incubated through the silence of others.[7]

Boufeldja Benabdallah, Co-Founder and Spokesperson, Centre culturel islamique de Québec, described the many Islamophobic threats and incidents leading up to the 2017 shooting at his mosque, including threatening and hateful messages sent to the mosque, swastikas graffitied on the walls, a pig's head and feces left at the door, and hateful rhetoric on the radio and in leaflets portraying Muslims as foreign agitators. He testified that it was "a small step" from these incidents to the tragedy of 29 January 2017, when "we lost six parents, six fathers, who left six widows and 17 young children, and 45 people

5 JUST, *Evidence*, 10 June 2024 (Amira Elghawaby, Special Representative on Combatting Islamophobia, Office of the Special Representative on Combatting Islamophobia). See also JUST, *Evidence*, 6 June 2024 (Stephen Brown, Chief Executive Officer, National Council of Canadian Muslims).

6 JUST, *Evidence*, 3 June 2024 (Ali Islam, As an Individual).

7 JUST, *Evidence*, 3 June 2024 (Maryam Al-Sabawi, Youth Coalition Combating Islamophobia).

suffered psychological trauma, including one who is still in a wheelchair after being hit by six bullets, one of which is still in her neck."[8]

Stephen Brown, Chief Executive Officer, National Council of Canadian Muslims (NCCM), described how the shooting continues to affect mosque attendance and worshippers: "I remember talking to people who still can't go to pray at the mosque because every time the door is behind them, and it's impossible for them to focus on praying because they're terrified that somebody's going to come in the back door."[9]

While these incidents represent the most extreme manifestations of Islamophobia in Canada, they are not the only examples of hate-motivated violence targeting Muslim communities. As the evidence demonstrates, Muslim individuals, families and institutions are still too often confronted with physical violence, threats, harassment and vandalism rooted in Islamophobic, anti-Arab or anti-Palestinian sentiments.

For example, Shaffni Nalir, General Manager, Toronto Islamic Centre and Community Services, described repeated Islamophobic incidents targeting his mosque in recent years, including an email threatening to "[k]ill every muzzie" and to "do a Christchurch all over again" which forced the mosque to close its doors for four weeks. He recounted how, on 18 November 2023, these "threats to our mosque turned into action"[10] when congregants, who had heard loud bangs on the windows and door, rushed outside,

> only to be met with an individual on a bike hurling racist threats at us, saying, "You effing Arabs. You effing Muslims. We're going to finish you all." Then this individual spat several times in our direction and rode off.
>
> […] Shortly after, this individual returned and threw a large rock at a group of congregants who were socializing in front of the mosque. Thankfully, he narrowly missed the elderly caretaker of the mosque by a few inches. He then yelled, "You're all dead" and sped off once again.[11]

Mr. Nalir explained that he has since had difficulty focusing on his prayer,

8 JUST, *Evidence*, 10 June 2024 (Boufeldja Benabdallah, Co-Founder and Spokesperson, Centre culturel islamique de Québec).

9 JUST, *Evidence*, 6 June 2024 (Stephen Brown, Chief Executive Officer, National Council of Canadian Muslims).

10 JUST, *Evidence*, 3 June 2024 (Shaffni Nalir, General Manager, Toronto Islamic Centre and Community Services).

11 Ibid.

> because I'm always thinking about who will walk in and how I will respond to protect my community members. […] This individual robbed our community of its sense of safety at our mosque, which is the foundation of our community.[12]

As the committee heard, the danger has only intensified since the eruption of the war in the Middle East on 7 October 2023 (October 7). For example, Ms. Elghawaby and Dr. Nadia Hasan, Assistant Professor, School of Gender, Sexuality and Women's Studies, York University, noted that, just days before the conclusion of this study, the home of a Muslim family in London, Ontario was deliberately set on fire.[13] The home was displaying lawn signs supporting the victims of the 2021 truck attack and expressing solidarity for Palestinian human rights.

Several participants also underscored the increasing frequency of direct attacks on Muslim individuals, particularly women who wear head coverings and are thus visibly Muslim.[14] According to Dr. Hasan, "[t]hese attacks range from Muslim women having their hijab ripped off to being physically assaulted—punched in the head, punched in the stomach—and Muslim women being spat on, a wildly common phenomenon since last fall."[15]

Dr. Jasmin Zine, Professor, Sociology and Muslim Studies Option, Wilfrid Laurier University, pointed to a news report of female Muslim students at Western University being physically assaulted, spat on, and told they should be "raped and killed."[16] Mr. Brown told the committee about several recent incidents in which hijab-wearing women, including one who was peacefully protesting, were the targets of aggression. "These sorts of incidents are happening with alarming frequency in Canadian streets. […]

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12 Ibid. For other examples of attacks against mosques in North America, see JUST, *Evidence*, 3 June 2024 (Omar Babili, Student, As an Individual); JUST, *Evidence*, 10 June 2024 (Amira Elghawaby, Special Representative on Combatting Islamophobia, Office of the Special Representative on Combatting Islamophobia; Asif Khan, National Secretary, Public Relations, Ahmadiyya Muslim Jama'at Canada).

13 JUST, *Evidence*, 10 June 2024 (Amira Elghawaby, Special Representative on Combatting Islamophobia, Office of the Special Representative on Combatting Islamophobia; Nadia Hasan, Assistant Professor, School of Gender, Sexuality and Women's Studies, York University, As an Individual).

14 See, for example, JUST, *Evidence*, 10 June 2024 (Boufeldja Benabdallah, Co-Founder and Spokesperson, Centre culturel islamique de Québec); JUST, Brief, 11 July 2024 (Michelle Hartman); JUST, Brief, 30 May 2024 (Jasmin Zine).

15 JUST, *Evidence*, 10 June 2024 (Nadia Hasan, Assistant Professor, School of Gender, Sexuality and Women's Studies, York University, As an Individual).

16 JUST, *Evidence*, 6 June 2024 (Jasmin Zine, Professor, Sociology and Muslim Studies Option, Wilfrid Laurier University, As an Individual). See also, Isha Bhargava, "Male charged after allegedly spitting on Muslim students at Western University," *CBC News*, 3 December 2023.

For some reason, people feel that it's okay to accost Muslim women in the street who are wearing a hijab," he stated.[17]

Fauzia Mazhar, Executive Director, Coalition of Muslim Women of Kitchener-Waterloo, and Dr. Zine testified that Muslim students have also been heavily targeted by hate-motivated attacks, especially those who have advocated for the Palestinian cause in the wake of October 7.[18] Dareen Shilbayeh of the Youth Coalition Combating Islamophobia told the committee:

> Being a student on campus and being a passerby and community member in London, Ontario, I have seen an incredible spike in confidence in carrying out hate crimes or verbal assaults. I have been a victim. Almost everyone I love who is visibly Muslim has been a victim of verbal assaults and physical harassment.[19]

Student Omar Babili recounted jumping out of the way of a vehicle accelerating towards him while protesting in Victoria, British Columbia. The driver had been arguing with another protestor before turning on him.[20] "The trauma of that day has been etched into my mind. I experience sudden flashbacks of what happened, and I cannot help but live in constant fear," he told the committee. "Every time I leave my house, I am gripped by anxiety wondering if this could happen to me again or to someone else just because they are exercising their freedom of speech."[21]

Such attacks have not been limited to university students. Indeed, one of the most heart-wrenching examples of hate-motivated violence involved a young Muslim boy named Hamza enrolled in a special needs program at a high school near Toronto. As Mr. Brown recounted,

> Hamza was violently attacked by a group of students who were calling him "Hamas" instead of Hamza, among other racist and Islamophobic slurs.

17 JUST, *Evidence*, 6 June 2024 (Stephen Brown, Chief Executive Officer, National Council of Canadian Muslims).

18 See, for example, JUST, *Evidence*, 10 June 2024 (Fauzia Mazhar, Executive Director, Coalition of Muslim Women of KW); JUST, *Evidence*, 6 June 2024 (Jasmin Zine, Professor, Sociology and Muslim Studies Option, Wilfrid Laurier University, As an Individual).

19 JUST, *Evidence*, 3 June 2024 (Dareen Shilbayeh, Youth Coalition Combating Islamophobia).

20 JUST, *Evidence*, 3 June 2024 (Omar Babili, Student, As an Individual).

21 Ibid.

> That vicious attack left Hamza bloodied with a fractured nose. He was having difficulty breathing, among other health issues, but the school failed to call an ambulance or respond to Hamza's medical and other needs.[22]

2.1.2 Expressions of Hate and Misinformation

The increase in physical violence and threats rooted in Islamophobic, anti-Arab or anti-Palestinian sentiments has not occurred in a vacuum. As several witnesses observed, such acts are the natural consequence of a climate in which hateful rhetoric is left unchecked.

Some of the comments sent to volunteers organizing a vigil for the Afzaal family in London, relayed by Dr. Islam, are illustrative:

> "Islamophobia is not a thing." "When will the City of London stop sucking Islamic ****?" "Stop pandering to a people who would sooner slit your throat than help you." "People like you are the problem." "What have 'muslims' done for us, besides nothing?" "No sympathy." "Stop terrorizing Jewish folks in Toronto." "Piss on Islam." "You all will be held accountable. We are coming for all of you." "Keep London Pure."[23]

Dr. Zine told the committee that such hateful rhetoric is promoted and amplified by a coordinated "Islamophobia industry."[24]

> What is unique about Islamophobia, particularly in Canada and the United States […] is the way that Islamophobia is networked and purveyed through various groups in this country. White nationalists, far-right media, Islamophobia influencers, Muslim dissidents, Hindutva activists, pro-Israel fringe-right groups, conservative think tanks and security experts all work together in concerted ways to promote demonizing anti-Muslim campaigns.[25]

According to Dr. Zine, approximately $1.5 billion has been circulated through 39 anti-Muslim organizations in the United States whose mandate is to promote Islamophobic propaganda. While more research is needed to determine the applicable figures in Canada, Dr. Zine told the committee that she has documented similar associations and networks in this country.[26] She also mentioned that the Israeli government has been

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22 JUST, *Evidence*, 6 June 2024 (Stephen Brown, Chief Executive Officer, National Council of Canadian Muslims).

23 JUST, *Evidence*, 3 June 2024 (Ali Islam, As an Individual).

24 JUST, *Evidence*, 6 June 2024 (Jasmin Zine, Professor, Sociology and Muslim Studies Option, Wilfrid Laurier University, As an Individual).

25 Ibid.

26 Ibid.

"accused in published reports of involvement in an operation aimed at reducing support for Palestinians in Canada."[27]

2.1.2.1 Online Hate

The committee heard that Islamophobic rhetoric is increasingly being spread online. As Dr. Islam remarked: "The way that hatred was spread in the past is very different from the way it is now. […] There's a way of getting radicalized and falling into echo chambers and filter bubble[s]. That happens online."[28]

The committee heard disturbing evidence detailing the role of social media platforms and other technology companies in the current proliferation of online hate. Imran Ahmed, Chief Executive Officer and Founder of the Center for Countering Digital Hate (CCDH), an organization devoted to researching disinformation and hate speech on social media, was emphatic on this point:

> Our research has shown time and time again that social media platforms and search engines are irresponsible managers of our digital information ecosystem, because their business models have systemic problems that affect the prevalence of Islamophobia, antisemitism, misogyny, anti-LGBTQ+ and other forms of identity-based hate.[29]

Mr. Ahmed described four key findings of the CCDH's research. First, in their quest to maximize attention and engagement, social media algorithms end up promoting Islamophobia and other forms of hate.[30] Furthermore, because the algorithms prioritize engagement of any kind, they not only feed those with hateful inclinations, but also victims of hate and the general public.[31]

Second, online hate is fueled by financial incentives.[32] The CCDH found that social media accounts that began posting antisemitic or Islamophobic content after 7 October 2023 grew four times faster than before the attack.[33] As Mr. Ahmed explained, "[t]his quantified how bad actors are able to exploit conflict to grow their following, disseminate hateful

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27 Ibid.

28 JUST, *Evidence*, 3 June 2024 (Ali Islam, As an Individual).

29 JUST, *Evidence*, 6 June 2024 (Imran Ahmed, Chief Executive Officer and Founder, Center for Countering Digital Hate).

30 Ibid.

31 Ibid.

32 Ibid.

33 Ibid.

messages and potentially profit from this hate."[34] Dr. Zine affirmed that profit is an important driver for many "Islamophobia influencers," in addition to political objectives.[35]

Third, social media companies often fail to enforce their own rules on hateful content even when it is reported. Indeed, the CCDH found that Facebook, Instagram, TikTok, Twitter and YouTube failed to act on 89% of the Islamophobic posts they reported, including hashtags such as "#deathtoislam, #islamiscancer and #raghead" which received over a million responses.[36]

Fourth, the research found that "online hate has off-line consequences."[37] As Mr. Ahmed explained, the dominance of social media as a form of communication means that it has a "resocializing effect on the off-line world," the result of which is "a growing normalization of hateful ideas and hate speech itself."[38] Online hate has thus been recognized as a factor in hate-motivated attacks across the globe, "from Christchurch to Pittsburgh."[39]

Both Mr. Ahmed and Dr. Zine invoked the "illusory truth effect" to explain the power of the Islamophobic rhetoric circulating today.[40] As Mr. Ahmed explained:

> If we see something frequently, we think it's more likely to be true. That's part of the reason that when we are being bombarded with hate content, we end up concluding there can be no smoke without fire, and we start to normalize hateful attitudes, conspiracy theories and lies.[41]

According to Dr. Zine and Dr. Islam, the power of these discourses is also linked to the current "post-truth context,"[42] in which "any idea that links to an emotion or is in a

34 Ibid.

35 JUST, *Evidence*, 6 June 2024 (Jasmin Zine, Professor, Sociology and Muslim Studies Option, Wilfrid Laurier University, As an Individual).

36 JUST, *Evidence*, 6 June 2024 (Imran Ahmed, Chief Executive Officer and Founder, Center for Countering Digital Hate).

37 Ibid.

38 Ibid.

39 Ibid.

40 Ibid.; JUST, *Evidence*, 6 June 2024 (Jasmin Zine, Professor, Sociology and Muslim Studies Option, Wilfrid Laurier University, As an Individual).

41 JUST, *Evidence*, 6 June 2024 (Imran Ahmed, Chief Executive Officer and Founder, Center for Countering Digital Hate).

42 JUST, *Evidence*, 6 June 2024 (Jasmin Zine, Professor, Sociology and Muslim Studies Option, Wilfrid Laurier University, As an Individual).

message that evokes fear, anger or a sense of injustice will trump any communication that tries to be factual."[43]

There is no doubt that education, especially in the early years, plays an important role in addressing these challenges. Hence Secure Canada's suggestion to "[i]nvest in civic education initiatives across schools and communities that teach critical thinking, digital literacy, and resilience against all forms of hatred and extremism, including anti-Muslim hatred, antisemitism, and other forms of bigotry."[44]

Still, education is only one piece of the puzzle. As Mr. Ahmed noted, this "doesn't change the fact that [people] are being bombarded."[45] He called for legislative measures to promote greater transparency with respect to social media algorithms, content enforcement policies and advertising, and to hold social media companies accountable for the harms they cause, citing the European Union's Digital Services Act and the United Kingdom's Online Safety Act as helpful models in this regard.[46]

Dr. Islam expressed support for Bill C-63 (Online Harms Act), which is currently before the House of Commons, as a means to address online hate. "To my general knowledge, this is a very positive development and it's overdue," he opined.[47] Samya Hasan, Executive Director, Council of Agencies Serving South Asians, described the bill as "welcome legislation" for those doing anti-hate work and for many Muslim communities, but also stressed the need for strong oversight measures to avoid the overcriminalization of Muslims and other racialized groups.[48] As Husein Panju, Chair, Canadian Muslim Lawyers Association (CMLA) cautioned:

> Equity-seeking groups like ours are often the victims and the targets of hate speech, but there also needs to be some more consultation to ensure that any such measures do not overly censor legitimate, non-hateful speech from equity-seeking groups as well.[49]

43 JUST, *Evidence*, 3 June 2024 (Ali Islam, As an Individual).

44 JUST, Brief, 19 June 2024 (Secure Canada). See also Ibid.

45 JUST, *Evidence*, 6 June 2024 (Imran Ahmed, Chief Executive Officer and Founder, Center for Countering Digital Hate).

46 Ibid.

47 JUST, *Evidence*, 3 June 2024 (Ali Islam, As an Individual).

48 JUST, *Evidence*, 6 June 2024 (Samya Hasan, Executive Director, Council of Agencies Serving South Asians).

49 JUST, *Evidence*, 10 June 2024 (Husein Panju, Chair, Canadian Muslim Lawyers Association). See also JUST, Brief, 10 July 2024 (Canadian Muslim Public Affairs Council).

2.1.3 Systemic Islamophobia

While the threat of extremist actors peddling hate is clear, the committee was reminded that Islamophobia can also be more insidious, systemically shaping government policies and actions. As stated by the Canadian Muslim Public Affairs Council (CMPAC):

> Muslims and Palestinians frequently encounter systemic discrimination across crucial sectors such as employment, education, housing, and law enforcement. These challenges are compounded by policies that disproportionately impact these communities, exposing deep-rooted societal inequities that demand urgent attention from policymakers.[50]

Canada's national security policies, including its anti-terror financing regime, were highlighted as particularly problematic. Both the CMPAC and Dr. Anver M. Emon, Professor and Canada Research Chair in Islamic Legal History and Director of the Institute of Islamic Studies, University of Toronto, described how structural Islamophobia in this area has influenced the auditing of Muslim charities by the Canada Revenue Agency.[51] As Dr. Zine explained, such biased practices are based on the idea that Muslim charities are fronts for terrorist organizations such as Hamas.[52]

Dr. Emon also highlighted his findings as chair of a working group examining the Department of Finance's national inherent risk assessment (NIRA) of 2023:

> We found that NIRA 2023 creates the conditions for Islamophobic bureaucratic practice reasoning in its selection of what it calls "high-risk jurisdictions", in its analysis of threat actors and in its assessment of which threat actors use charities as funding channels.[53]

In Dr. Emon's words, Canada's anti-terror financing regime is "little more than crumbling sediments from the moral panic over 9/11." He was also critical of the terrorist entities list, which he described as a "blunt instrument" and a "fearful reminder of the presumed Muslim threat."[54]

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50 JUST, Brief, 10 July 2024 (Canadian Muslim Public Affairs Council).

51 Ibid.; JUST, *Evidence*, 6 June 2024 (Anver M. Emon, Professor and Canada Research Chair in Islamic Legal History and Director of the Institute of Islamic Studies, University of Toronto, As an Individual).

52 JUST, *Evidence*, 6 June 2024 (Jasmin Zine, Professor, Sociology and Muslim Studies Option, Wilfrid Laurier University, As an Individual).

53 JUST, *Evidence*, 6 June 2024 (Anver M. Emon, Professor and Canada Research Chair in Islamic Legal History and Director of the Institute of Islamic Studies, University of Toronto, As an Individual).

54 Ibid.

While acknowledging that there is no easy solution for these issues, Dr. Emon urged the committee to recognize "that structural Islamophobia in Canada's public and private institutions exists, runs deep and must be addressed through the commitment of substantial and sustained public resources."[55] He suggested that Canada's national security regimes must do more to account for gender-based Analysis Plus (GBA Plus) policies and the constitutional right to equality.[56]

At the provincial level, several individuals expressed concerns about Quebec's 2019 *Act respecting the laicity of the State* (commonly referred to as Bill 21), which prohibits public sector workers such as teachers, police officers and judges from wearing religious symbols while exercising their functions, in the name of secularism.[57] Bill 21 invokes section 33 (the notwithstanding clause) of the *Canadian Charter of Canadian Rights and Freedoms* (the Charter) to avoid constitutional scrutiny.[58]

Several witnesses argued that Bill 21 disproportionately affects Muslim women, and thereby exacerbates Islamophobia. For example, Mr. Brown stated:

> Since 2019, the Quebec government has been legislating discrimination. The impact of Bill 21, the state secularism law, has caused psychological distress to countless Muslim women, who must now choose between their faith and living in Quebec, a place many call home.[59]

Dr. Hasan spoke of the devastating impacts of the bill on Muslim women's livelihoods in Quebec. Her research on this issue found that Muslim women have experienced increased physical violence and aggression in the workplace since Bill 21 came into

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55 Ibid.

56 Ibid.

57 Quebec, *Act respecting the laicity of the State*, CQLR c L-0.3. See, for example, JUST, *Evidence*, 6 June 2024 (Stephen Brown, Chief Executive Officer, National Council of Canadian Muslims); JUST, *Evidence*, 10 June 2024 (Nadia Hasan, Assistant Professor, School of Gender, Sexuality and Women's Studies, York University, As an Individual; Amira Elghawaby, Special Representative on Combatting Islamophobia, Office of the Special Representative on Combatting Islamophobia).

58 Since Bill 21 came into force, it has been subject to multiple constitutional challenges. In 2024, the Quebec Court of Appeal dismissed a number of arguments challenging the constitutionality of the Act, but found that the provision requiring members of the National Assembly to exercise their functions with their faces uncovered infringes section 3 of the Charter (see *Organisation mondiale sikhe du Canada c. Procureur général du Québec*, 2024 QCCA 254 (CanLII)). At the time of writing the report, an application for leave to appeal this decision was pending before the Supreme Court of Canada. For more information, see Canadian Civil Liberties Association, *Leave to Appeal filed at the Supreme Court of Canada on Bill 21 Case*, News Release, 30 April 2024.

59 JUST, *Evidence*, 6 June 2024 (Stephen Brown, Chief Executive Officer, National Council of Canadian Muslims).

effect.[60] In addition, she told the committee that "[w]omen applying for jobs in health care are being asked about their religious identity, which is categorically illegal," and that "[o]ver 40% of women reported that they were asked about their religious identity during a job interview."[61] According to Dr. Hasan, the bill has also negatively affected Muslim women's mental health and sense of safety, to the point where "73% of Muslim women in Quebec are considering leaving the province altogether."[62]

The committee heard that the impacts of Bill 21 also extend beyond the workplace, and beyond Quebec. For example, Leila Bdeir and Krista Riley of Vanier College in Montreal noted that they found in their study that the political tension created by the law has increased anxiety for Muslim students on campuses. They noted that students feel particularly unsafe on public transit.[63] Ms. Elghawaby spoke of the broader impacts of the law as follows:

> What I have heard from women across the country, including in Quebec, is that, again, this law 21 is not only impacting women in particular professions […] . It also has an impact that sets up right through society. The moment you have what has been termed, to this committee, "second-class citizenship", where some people have fewer rights than others, immediately that gives licence or permission to those who may hold discriminatory views to treat these citizens differently from others.[64]

As Mr. Brown stated, "Canada cannot be a liberal democracy if we have one set of rules for one type of people and another set of rules for another type of people based on their identity."[65]

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60 JUST, *Evidence*, 10 June 2024 (Nadia Hasan, Assistant Professor, School of Gender, Sexuality and Women's Studies, York University, As an Individual). For more information on Dr. Hasan's findings, see Nadia Z. Hasan, Lina El Bakir and Youmna Badawy, *Social Discord and Second-class Citizenship: A Study of the Impact of Bill 21 on Québec Muslim Women in Light of the COVID-19 Pandemic*, 2024.

61 JUST, *Evidence*, 10 June 2024 (Nadia Hasan, Assistant Professor, School of Gender, Sexuality and Women's Studies, York University, As an Individual).

62 Ibid.

63 JUST, Brief, 11 July 2024 (Leila Bdeir and Krista Riley).

64 JUST, *Evidence*, 10 June 2024 (Amira Elghawaby, Special Representative on Combatting Islamophobia, Office of the Special Representative on Combatting Islamophobia).

65 JUST, *Evidence*, 6 June 2024 (Stephen Brown, Chief Executive Officer, National Council of Canadian Muslims).

2.2 The Current Context

2.2.1 The Surge in Islamophobia After 7 October 2023

As the examples provided above demonstrate, Islamophobia was already well-rooted in Canada when the war in the Middle East began with Hamas' attack on 7 October 2023. Nevertheless, the evidence is clear that it has since drastically escalated, alongside related forms of hate and discrimination. Many witnesses highlighted the increased targeting of Palestinians in particular, often referred to as anti-Palestinian racism (APR). "For the past eight months, things have only gotten worse. We are seeing a terrifying rise in Islamophobia everywhere, compounded by anti-Arab and anti-Palestinian racism," stated Ms. Elghawaby.[66]

According to Mr. Brown, the number of hate incidents targeting Muslims or Palestinians reported to the NCCM increased by 1,300% in the final quarter of 2023.[67] Mr. Panju told the committee that his organization's Muslim Legal Support Centre had seen a 400% rise in intake "on issues ranging from employment discrimination to improper treatment in schools" since the war began.[68]

On a regional level, Ms. Mazhar relayed that her organization's anti-hate services program documented a 212% increase in Islamophobic, anti-Arab and anti-Palestinian hate in the Waterloo area when comparing the final quarter of 2023 to the same time frame in 2022.[69]

Ms. Elghawaby offered the following synthesis of the available data:

> [B]etween October 7, 2023, and March 5, 2024, a variety of organizations collectively received over 1,000 incident reports related to Islamophobia and anti-Palestinian racism, with the large majority of cases being handled by NCCM and the Muslim Legal Support Centre, which have operational legal clinics. This number represents nearly seven cases received per day in this period. The cases ranged from discrimination to

66 JUST, *Evidence*, 10 June 2024 (Amira Elghawaby, Special Representative on Combatting Islamophobia, Office of the Special Representative on Combatting Islamophobia).

67 JUST, *Evidence*, 6 June 2024 (Stephen Brown, Chief Executive Officer, National Council of Canadian Muslims).

68 JUST, *Evidence*, 10 June 2024 (Husein Panju, Chair, Canadian Muslim Lawyers Association).

69 JUST, *Evidence*, 10 June 2024 (Fauzia Mazhar, Executive Director, Coalition of Muslim Women of KW).

defamation, doxing, blacklisting, assault, vandalism, harassment and violations of civil liberties.[70]

The statistical evidence accords with the firsthand observations of those who participated in the study, many of whom described a sharp increase in Islamophobia, APR and other forms of discrimination since the start of the war.[71]

2.2.2 Underlying Causes

2.2.2.1 9/11 and the War on Terror

Several witnesses viewed the current rise in Islamophobia as harkening back to the way Muslims were treated in the wake of 9/11. "The dehumanization of Muslims that is transpiring in Canada is disturbing in its similarity to the post-9/11 era and the ensuing war on terror," stated Ms. Elghawaby.[72] "It saddens me that we are once again back to feeling othered and excluded, unable to freely exercise our rights and freedoms, our loyalty to Canada questioned and our efforts to contribute positively overlooked or dismissed."[73]

According to Dr. Zine what we are seeing today is "built on the architecture of post 9/11 Islamophobia that has cast Muslims as quintessential violent radicals that must be surveilled and disciplined by the state."[74] "Muslim Canadians are being actively and intentionally portrayed as outsiders and foreigners—as the 'other.' This is a depiction […] that eventually has real, brutal and deadly consequences," stated Dr. Islam.[75] Indeed, as Dr. Zine pointed out, several deadly attacks on Muslims around the world in recent years have been spurred on by conspiracy theories that portray Muslims as a "fifth column," or as "wolves in sheep's clothing." [76]

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70 JUST, *Evidence*, 10 June 2024 (Amira Elghawaby, Special Representative on Combatting Islamophobia, Office of the Special Representative on Combatting Islamophobia).

71 See, for example, JUST, *Evidence*, 3 June 2024 (Omar Babili, Student, As an Individual); JUST, *Evidence*, 10 June 2024 (Asif Khan, National Secretary, Public Relations, Ahmadiyya Muslim Jama'at Canada); JUST, Brief, 10 June 2024 (Canadian Muslim Public Affairs Council).

72 JUST, *Evidence*, 10 June 2024 (Amira Elghawaby, Special Representative on Combatting Islamophobia, Office of the Special Representative on Combatting Islamophobia).

73 Ibid.

74 JUST, Brief, 30 May 2024 (Jasmin Zine).

75 JUST, *Evidence*, 3 June 2024 (Ali Islam, As an Individual).

76 JUST, *Evidence*, 6 June 2024 (Jasmin Zine, Professor, Sociology and Muslim Studies Option, Wilfrid Laurier University, As an Individual).

Another consequence of this discourse, according to some witnesses, is that Muslims are consistently called upon to account for acts of terrorism perpetuated by extremists abroad. "[W]henever a serious international situation has occurred, part of society has constantly been asking us to explain why Muslims are like that and why Islam is like that," remarked Mr. Benabdallah.[77]

As elucidated by Dr. Hasan, the events of October 7 have rekindled this sense of distrust, to the detriment of Canadian Muslims' civil rights and physical safety:

> We have also seen racist epithets like "terrorist" and "terrorist sympathizer" being thrown around with impunity, triggering not-so-distant memories of the swift clawback of rights, freedoms and safety that such terms unleashed on Muslim communities after 9/11. Seeing the ease with which such dangerously racist tropes become repopularized and weaponized, even against our children, it is as though they had never truly left our collective consciousness. These are also the tropes that come up in nearly every act of Islamophobic violence. This rhetoric is not benign.[78]

When compared to the experiences of Canadian Muslims after 9/11, Dr. Zine opined that "the present circumstances are far worse."[79] As she noted in her brief, hate incidents against Canadian Muslims "have escalated in this country over the past two decades and now exceed the level we saw after 9/11."[80]

2.2.2.2 Other Underlying Causes

The committee heard that the conspiracy theories and stereotypes arising from the global war on terror have been compounded by other factors. As Dr. Islam explained, Islamophobia has many different causes and manifestations. Along with many other forms of hate, it has been fueled by white supremacist ideologies and amplified by the

77 JUST, *Evidence*, 10 June 2024 (Boufeldja Benabdallah, Co-Founder and Spokesperson, Centre culturel islamique de Québec). See also, JUST, *Evidence*, 3 June 2024 (Ali Islam, As an Individual); JUST, *Evidence*, 10 June 2024 (Amira Elghawaby, Special Representative on Combatting Islamophobia, Office of the Special Representative on Combatting Islamophobia).

78 JUST, *Evidence*, 10 June 2024 (Nadia Hasan, Assistant Professor, School of Gender, Sexuality and Women's Studies, York University, As an Individual).

79 JUST, *Evidence*, 6 June 2024 (Jasmin Zine, Professor, Sociology and Muslim Studies Option, Wilfrid Laurier University, As an Individual).

80 JUST, Brief, 30 May 2024 (Jasmin Zine).

polarizing forces of social media.[81] As discussed above, Dr. Zine testified that it has also been promoted by a coordinated Islamophobia industry.[82]

The CMPAC and Asif Khan, National Secretary, Public Relations, Ahmadiyya Muslim Jama'at Canada, also underscored how traditional media have perpetuated anti-Muslim sentiments through disproportionately negative coverage that fosters "an environment of fear and suspicion."[83] According to Mr. Khan, "[t]he media should be encouraged to publicize the multitude of good works done by Muslim communities, and government should play its role in trying to publicize and raise awareness of these issues."[84]

Perhaps the simplest cause of Islamophobia, however, and the easiest one to tackle, is ignorance. Dr. Julie Macfarlane, Emerita Distinguished Professor of Law, touched upon this point when speaking about her research on the role of Islamic law in Muslim marriage and divorce: "One thing this research taught me was how woefully ignorant I was and how many of us, I believe, have grown up not understanding anything about Muslim culture and about Islam as a religion."[85]

Mr. Nalir agreed. "[W]hen people look different, naturally there's ignorance. However, when that's addressed, not just among the common people but by people in power, I think it gives strength and makes it okay to talk about Islam," he remarked.[86] Dr. Islam and Dr. Emon both pointed to storytelling as one way to rectify ignorance, emphasizing the importance of centering Muslim and other marginalized voices.[87]

The importance of education was also a recurring theme throughout the evidence. For example, Ms. Hasan urged the federal government "to encourage and work with all provincial governments to mandate the incorporation of identity-affirming, anti-

81 JUST, *Evidence*, 3 June 2024 (Ali Islam, As an Individual).

82 JUST, *Evidence*, 6 June 2024 (Jasmin Zine, Professor, Sociology and Muslim Studies Option, Wilfrid Laurier University, As an Individual).

83 JUST, Brief, 10 July 2024 (Canadian Muslim Public Affairs Council); JUST, *Evidence*, 10 June 2014 (Asif Khan, National Secretary, Public Relations, Ahmadiyya Muslim Jama'at Canada).

84 JUST, *Evidence*, 10 June 2014 (Asif Khan, National Secretary, Public Relations, Ahmadiyya Muslim Jama'at Canada).

85 JUST, *Evidence*, 10 June 2024 (Julie Macfarlane, Emerita Distinguished Professor of Law, As an Individual).

86 JUST, *Evidence*, 3 June 2024 (Shaffni Nalir, General Manager, Toronto Islamic Centre and Community Services).

87 JUST, *Evidence*, 3 June 2024 (Ali Islam, As an Individual); JUST, *Evidence*, 6 June 2024 (Anver M. Emon, Professor and Canada Research Chair in Islamic Legal History and Director of the Institute of Islamic Studies, University of Toronto, As an Individual).

Islamophobia education for all publicly funded schools in Canada."[88] The CMPAC similarly asserted that the government must "[i]mplement educational programs aimed at promoting cultural understanding, challenging stereotypes, and fostering empathy towards Muslim and Palestinian communities."[89]

2.3 Defining Islamophobia

In her testimony, Ms. Elghawaby provided the following definition of Islamophobia, drawn from Canada's anti-racism strategy:

> Islamophobia is racism, stereotypes, prejudice, fear or acts of hostility directed towards individual Muslims or followers of Islam in general. In addition to individual acts of intolerance and racial profiling, Islamophobia can lead to viewing and treating Muslims as a greater security threat on an institutional, systemic and societal level.[90]

Some of those who participated in the study expressed reservations about the term "Islamophobia," in part due to its overemphasis on Islam as a religion.[91] The terms "anti-Muslim racism," "anti-Muslim hatred" and "anti-Muslim bigotry" were offered as preferable alternatives.[92] However, as Mr. Khan and Leah Ross recognized, the term "Islamophobia" remains widely used and accepted.[93]

2.3.1 Islamophobia, Anti-Arab Racism and Anti-Palestinian Racism

Islamophobia intersects in important ways with other forms of hate and discrimination. Given the current geopolitical context, particular emphasis was placed on the need to

88 JUST, *Evidence*, 6 June 2024 (Samya Hasan, Executive Director, Council of Agencies Serving South Asians).

89 JUST, Brief, 10 June 2024 (Canadian Muslim Public Affairs Council).

90 JUST, *Evidence*, 10 June 2024 (Amira Elghawaby, Special Representative on Combatting Islamophobia, Office of the Special Representative on Combatting Islamophobia). This matches the definition provided in both *Building a Foundation for Change: Canada's Anti-Racism Strategy 2019-2022* snd *Changing Systems, Transforming Lives: Canada's Anti-Racism Strategy 2024-2028*.

91 JUST, *Evidence*, 3 June 2024 (Ali Islam, As an Individual); JUST, *Evidence*, 10 June 2024 (Asif Khan, National Secretary, Public Relations, Ahmadiyya Muslim Jama'at Canada); JUST, Brief, 19 June 2024 (Secure Canada).

92 See, for example, JUST, Brief, 11 June 2024 (Michelle Hartman); JUST, Brief, 19 June 2024 (Secure Canada); JUST, Brief, 11 June 2024 (Leah Ross).

93 JUST, *Evidence*, 10 June 2024 (Asif Khan, National Secretary, Public Relations, Ahmadiyya Muslim Jama'at Canada); JUST, Brief, 11 Juin 2024 (Leah Ross).

recognize Islamophobia, anti-Arab Racism and anti-Palestinian racism (APR) as distinct but intersecting forms of discrimination.[94]

The evidence highlighted the risks of conflating Islamophobia and APR in particular. In their brief, the Arab Canadian Lawyers Association (ACLA) explained the difference as follows:

> Islamophobia, broadly defined, is the fear and hatred of the Islamic faith and Muslim people. APR targets those who are Palestinian or advocates of Palestinian rights to suppress any criticism of Israel's decades-long apartheid and occupation of Palestinian land and people. It can and often manifests without any religious connotation.[95]

Common reference was made to the ACLA's definition of APR as:

> A form of anti-Arab racism that silences, excludes, erases, stereotypes, defames, or dehumanizes Palestinians or their narratives. Anti-Palestinian racism takes various forms including: denying the Nakba and justifying violence against Palestinians; failing to acknowledge Palestinians as an Indigenous people with a collective identity, belonging and rights in relation to occupied and historic Palestine; erasing the human rights and equal dignity and worth of Palestinians; excluding or pressuring others to exclude Palestinian perspectives, Palestinians and their allies; defaming Palestinians and their allies with slander such as being inherently antisemitic, a terrorist threat/sympathizer or opposed to democratic values.[96]

The committee heard that a key aspect of APR is the threat it poses to civil liberties. In the words of the ACLA: "Without the recognition of APR, Palestinians and allies remain vulnerable to discrimination and reprisals from the chilling effect on open discourse, peaceful assembly, and the expression of views in support of Palestinian human rights."[97]

Dr. Emon described the committee's focus on Islamophobia as "a fundamental category error"—one that "erases the hatred of Palestine and Palestinians and instead collapses it

94 See, for example, JUST, *Evidence*, 6 June 2024 (Jasmin Zine, Professor, Sociology and Muslim Studies Option, Wilfrid Laurier University, As an Individual); JUST, *Evidence*, 10 June 2024 (Fauzia Mazhar, Executive Director, Coalition of Muslim Women of KW; Husein Panju, Chair, Canadian Muslim Lawyers Association; Nadia Hasan, Assistant Professor, School of Gender, Sexuality and Women's Studies, York University, As an Individual).

95 JUST, Brief, 21 June 2024 (Arab Canadian Lawyers Association).

96 See, for example, JUST, Brief, 21 June 2024 (CAPE for Palestine); JUST, Brief, 11 July 2024 (Jewish Educators and Family Association of Canada); JUST, Brief, 21 June 2024 (Dyala Hamzah).

97 JUST, Brief, 21 June 2024 (Arab Canadian Lawyers Association). See also, JUST, Brief, 21 June 2024 (Mayada Elsabbagh).

into the category of Islamophobia."[98] He explained that this conflation "reduce[s] a geopolitical, historical and colonial conflict to a simplistic religious one," and warned that it could lead to "misguided policies."[99]

Many of those who participated in the study called for APR to be formally recognized and addressed within Canada's anti-racism strategy. For example, Dr. Emon recommended that the committee "advise the Federal Anti-Racism Secretariat to undertake sustained analysis of anti-Palestinian racism, acknowledge its pervasiveness, and develop and promote resources to combat it."[100] The CMPAC called on the committee to "[r]ecognize the interconnectedness of anti-Palestinian racism and Islamophobia in policymaking, advocating for policies that address both forms of discrimination holistically."[101]

As Dr. Hasan and Mr. Panju noted, direct engagement with Muslim and Palestinian communities is needed to better understand APR and its intersection with Islamophobia.[102] The CMPAC also noted that support for research and data collection initiatives stemming from these communities is essential to inform evidence-based policy decisions that account for community needs.[103]

2.3.2 Anti-Palestinian Racism and Antisemitism

The committee received several briefs concerned with the current understanding of anti-Palestinian racism as it relates to Zionist Jewish identity that creates friction with the

98 JUST, *Evidence*, 6 June 2024 (Anver M. Emon, Professor and Canada Research Chair in Islamic Legal History and Director of the Institute of Islamic Studies, University of Toronto, As an Individual). See also JUST, Brief, 11 July 2024 (Leila Bdeir and Krista Riley).

99 JUST, *Evidence*, 6 June 2024 (Anver M. Emon, Professor and Canada Research Chair in Islamic Legal History and Director of the Institute of Islamic Studies, University of Toronto, As an Individual). See also JUST, Brief, 21 June 2024 (Mayada Elsabbagh); JUST, Brief, 11 July 2024 (Michelle Hartman).

100 JUST, *Evidence*, 6 June 2024 (Anver M. Emon, Professor and Canada Research Chair in Islamic Legal History and Director of the Institute of Islamic Studies, University of Toronto, As an Individual).

101 JUST, Brief, 10 July 2024 (Canadian Muslim Public Affairs Council). See also, JUST, *Evidence*, 6 June 2024 (Samya Hasan, Executive Director, Council of Agencies Serving South Asians); JUST, *Evidence*, 3 June 2024 (Dareen Shilbayeh, Youth Coalition Combating Islamophobia); JUST, Brief 21 June 2024 (Arab Canadian Lawyers Association).

102 JUST, *Evidence*, 10 June 2024 (Husein Panju, Chair, Canadian Muslim Lawyers Association; Nadia Hasan, Assistant Professor, School of Gender, Sexuality and Women's Studies, York University, As an Individual).

103 JUST, Brief, 10 July 2024 (Canadian Muslim Public Affairs Council).

International Holocaust Remembrance Alliance (IHRA) definition of antisemitism already adopted by the federal government.[104]

As some of these submissions pointed out, those who advocate for the recognition of APR have identified both Zionism and the IHRA definition of antisemitism as perpetuating this form of discrimination.[105]

Several individuals and organizations felt that, rather than protecting a group of people, APR as currently defined and applied seeks to protect a particular political narrative from scrutiny, leaving no room for competing perspectives.[106] This was contrasted with the IHRA definition of antisemitism, which "explicitly allows (and protects) legitimate criticism of Israel and its government."[107] While recognizing the importance of combatting discrimination against Palestinians, the Centre for Israel and Jewish Affairs and Canadian Women Against Antisemitism argued that this should be addressed through existing protections against discrimination based on national or ethnic origin, rather than as a particular form of racism.[108]

Despite the tension between conceptions of APR and antisemitism, Dr. Islam told the committee that Islamophobia and antisemitism (along with other forms of hate) can sometimes arise from similar underlying causes, such as white supremacism.[109] For example, he reminded the committee that the perpetrator behind the recent attack against his family in London, Ontario took inspiration from an attack involving a man in California who, after attempting to set a mosque on fire, went on to shoot three people in a synagogue. In another example, Mr. Benabdallah told the committee that the same

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104 See, for example, JUST, Brief, 21 June 2024 (Centre for Israel and Jewish Affairs); JUST, Brief, 10 July 2024 (Canadian Women Against Antisemitism); JUST, Brief, 11 July 2024 (Jewish Educators and Family Association of Canada); JUST, Brief, 10 July 2024 (Harry S. LaForme); JUST, Brief, 21 June 2024 (Janice LaForme); JUST, Brief, 21 June 2024 (Mark Sandler); JUST, Brief, 11 July 2024 (Winnipeg Friends of Israel).

105 JUST, Brief, 21 June 2024 (Janice LaForme); JUST, Brief, 21 June 2024 (Centre for Israel and Jewish Affairs). See, for example, Arab Canadian Lawyers Association et al, *Combating Anti-Palestinian Racism and Antisemitism: An Intersectional Approach to Canada's Anti-Racism Strategy*, 6 May 2024, pp. 5-6. For examples of the notion that APR is perpetuated through the weaponization of claims of antisemitism, see JUST, Brief 21 June 2024 (Arab Canadian Lawyers Association); JUST, Brief, 21 June 2024 (Dyala Hamzah).

106 JUST, Brief, 10 July 2024 (Harry S. LaForme); JUST, Brief, 11 July 2024 (Winnipeg Friends of Israel); JUST, Brief, 11 July 2024 (Jewish Educators and Family Association of Canada); JUST, Brief, 21 June 2024 (Mark Sandler).

107 JUST, Brief, 21 June 2024 (Centre for Israel and Jewish Affairs). See also, JUST, Brief, 21 June 2024 (Janice LaForme); JUST, Brief, 21 June 2024 (Mark Sandler); JUST, Brief, 11 July 2024 (Winnipeg Friends of Israel).

108 JUST, Brief, 10 June 2024 (Canadian Women Against Antisemitism); JUST, Brief, 21 June 2024 (Centre for Israel and Jewish Affairs). See also, JUST, Brief, 21 June 2024 (Anonymous Authors).

109 JUST, *Evidence*, 3 June 2024 (Ali Islam, As an Individual).

groups who sent hateful and threatening messages to his mosque sprayed the walls with swastikas.[110]

As already discussed, Mr. Ahmed underscored the role of social media platforms in promoting multiple forms of hate, including both Islamophobia and antisemitism.[111] Regarding the current context, he added that "white supremacists absolutely crucially understand that this is an opportunity for them to spread hatred against Muslims and Jews and to play them off against each other."[112]

2.3.3 Islamophobia and Gender

Another key point of intersection is between Islamophobia and gender. "[A]ll sorts of stereotypes exist around Muslim women, particularly those who choose to wear the head covering, the hijab," explained Ms. Elghawaby.[113] These women are targeted in many ways, including by workplace and employment discrimination, and by physical attacks, especially post-October 7.[114]

In Ms. Mazhar's words:

> Women and youth in Canadian Muslim communities are bearing the brunt of Islamophobia. They're more at risk of physical assault, verbal abuse, harassment in public spaces and educational environments, and bullying, intimidation and discrimination in workplaces and educational institutions.[115]

As already noted, some witnesses testified that discrimination against Muslim women has been exacerbated by the enactment of Bill 21 in Quebec, along with other government actions. The committee has endeavoured to be mindful of the significant ways in which Islamophobia is gendered throughout the report.

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110 JUST, *Evidence*, 10 juin 2024 (Boufeldja Benabdallah, Co-Founder and Spokesperson, Centre culturel islamique de Québec).

111 JUST, *Evidence*, 6 June 2024 (Imran Ahmed, Chief Executive Officer and Founder, Center for Countering Digital Hate).

112 Ibid.

113 Just, *Evidence*, 10 June 2024 (Amira Elghawaby, Special Representative on Combatting Islamophobia, Office of the Special Representative on Combatting Islamophobia).

114 Ibid.; JUST, *Evidence*, 10 June 2024 (Nadia Hasan, Assistant Professor, School of Gender, Sexuality and Women's Studies, York University, As an Individual).

115 JUST, *Evidence*, 10 June 2024 (Fauzia Mazhar, Executive Director, Coalition of Muslim Women of KW).

2.4 Repercussions for Pro-Palestinian Advocacy

Many witnesses suggested that attempts to silence, admonish or retaliate against those speaking out on behalf of Palestinians have become an increasingly important dimension of Islamophobia in the wake of 7 October 2023. "We have seen Muslim communities being targeted with Islamophobia because they support the Palestinian people and Palestinian human rights," asserted Ms. Hasan.[116] This phenomenon exemplifies the intersection of Islamophobia and anti-Palestinian racism (APR).

Several examples of physical violence directed at pro-Palestinian advocates have already been recounted in section 2.1.1 (Physical Violence, Threats, Harassment and Vandalism). In her testimony, Dr. Zine also mentioned several incidents reported at Western University, including a female student wearing a keffiyeh who was physically assaulted, another who was spat on at convocation, and yet another who had her tires slashed on campus because she had a Palestinian flag on her mirror.[117]

The evidence provides many other examples of repercussions faced by Muslims, Palestinians, and other individuals who have attempted to speak out on behalf of Palestinian rights. The treatment of protestors at the many pro-Palestinian demonstrations that have taken place across the country since October 7 provides one example. On the one hand, Mr. Babili described these protests as "show[ing] the good side of Muslims."[118] He emphasized that many Christians and Jews have come to support the pro-Palestinian cause, and that many people are becoming more educated about Islam, which helps to reduce Islamophobia.[119] At the same time, the committee heard that peaceful protestors have been repeatedly vilified as terrorist sympathizers, have faced false accusations of antisemitism, and have at times been confronted by violent police crackdowns.[120]

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116 JUST, *Evidence*, 6 June 2024 (Samya Hasan, Executive Director, Council of Agencies Serving South Asians).

117 JUST, *Evidence*, 6 June 2024 (Jasmin Zine, Professor, Sociology and Muslim Studies Option, Wilfrid Laurier University, As an Individual). See also, Isha Bhargava, "Male charged after allegedly spitting on Muslim students at Western University," *CBC News*, 3 December 2023.

118 JUST, *Evidence*, 3 June 2024 (Omar Babili, Student, As an Individual).

119 Ibid.

120 See, for example, JUST, *Evidence*, 6 June 2024 (Stephen Brown, Chief Executive Officer, National Council of Canadian Muslims); JUST, *Evidence*, 10 June 2024 (Nadia Hasan, Assistant Professor, School of Gender, Sexuality and Women's Studies, York University, As an Individual; Husein Panju, Chair, Canadian Muslim Lawyers Association); JUST, Brief, 30 May 2024 (Jasmin Zine); JUST, Brief, 21 June 2024 (CAPE for Palestine); JUST, Brief, 21 June 2024 (Mayada Elsabbagh).

Dr. Hasan described how the administration at York University forcibly removed a protest encampment with the help of police, noting that many other universities have done the same. She remarked:

> It's important to remember that these encampments have been largely peaceful protests, and that they're not a new phenomenon. […] I think we all need to ask some questions, important questions, about why these particular ones are being clamped down on and criminalized with such force on so many campuses around the country.
>
> The student right to protest and the culture of dissent, protest, critique and critical thinking are at stake, in my opinion.[121]

The committee heard that many individuals have also faced discrimination in employment for their advocacy on behalf of Palestinians, or simply for being Palestinian. "Palestinian members have been terminated from jobs and have missed job and promotion opportunities due to their identity," asserted the Canadian Association of Professional Employees for Palestine (CAPE for Palestine). While this is not a new phenomenon,[122] it is clear from the evidence that such incidents have become more frequent since October 7.

The CMLA informed the committee that, since October 7, their Ontario legal clinic alone has handled 123 cases of unjust dismissal and 45 cases of employees being placed on leave in similar circumstances.[123] The clinic has also assisted individuals who have faced other forms of professional retaliation, blacklisting and workplace bullying and harassment due to their support for the Palestinian cause.[124] When asked about people losing their jobs for expressing opinions on the Middle East, Mr. Panju stated: "That's right. This has been happening on a widespread basis and was accentuated at the time of the conflict. There's a need for proper discussion about what constitutes hate in our communities."[125] In his view, the government should do more to ensure that employers treat their employees fairly and abandon blacklists.[126]

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121 JUST, *Evidence*, 10 June 2024 (Nadia Hasan, Assistant Professor, School of Gender, Sexuality and Women's Studies, York University, As an Individual).

122 For example, as CAPE for Palestine recounted, the University of Toronto's International Human Rights Program notoriously rescinded a job offer made to Dr. Valentina Azarova due to her scholarly writings on Palestine. JUST, Brief, 21 June 2024 (CAPE for Palestine).

123 JUST, Brief, 21 June 2024 (Canadian Muslim Lawyers Association).

124 Ibid.

125 JUST, *Evidence*, 10 June 2024 (Husein Panju, Chair, Canadian Muslim Lawyers Association).

126 Ibid.

The ACLA similarly asserted that it had received "many inquiries from individuals who have experienced workplace reprisals for showing even the simplest support for Palestine—for instance, a "Ceasefire Now" post on Instagram."[127] According to them, federal employees have felt threatened, isolated, and excluded from equity and anti-racism policies.[128]

Speaking to his experience in the Atlantic region, Abdallah Yousri, Imam and Executive Director, Ummah Society, described two cases in which Muslim women were fired from professional positions for alleged comments they made in the wake of October 7. Both were the only Muslim women working locally in their respective fields.[129] He also informed the committee of "many imams and Muslim chaplains, like Imam Aarij Anwer and many others [who were] also fired from their jobs in hospitals and universities, with no legal consequences."[130] Mr. Yousri remarked: "Firing many Canadian Muslims and threatening many others in an attempt to silence them has been a shameful and horrible act that shocked thousands in our community, including our imams and community leaders."[131]

Some witnesses also underscored the consequences some students have faced for their pro-Palestinian advocacy. Mr. Panju told the committee that his organization had heard "numerous concerning examples from lawyers and law students across Canada who have faced harsh and unwarranted consequences in response to legitimate speech regarding this conflict."[132] As an example, he highlighted the recent controversy at Toronto Metropolitan University's Lincoln Alexander School of Law, wherein students who signed a letter supporting all forms of Palestinian resistance were subject to a fierce backlash from the legal community:

> Students were doxxed on various social media platforms. There were various organizations and commentators who urged that they be named, expelled, deported and labelled as terror apologists. Many students received disturbing and threatening

127 JUST, Brief, 21 June 2024 (Arab Canadian Lawyers Association).

128 Ibid.

129 JUST, *Evidence*, 10 June 2024 (Abdallah Yousri, Imam and Executive Director, Ummah Society). According to Mr. Yousri, Yara Jamal was the only Muslim Arab woman working in the media in the Atlantic, while Nargis DeMolitor was the only Muslim woman working in politics in Halifax.

130 Ibid.

131 Ibid.

132 JUST, *Evidence*, 10 June 2024 (Husein Panju, Chair, Canadian Muslim Lawyers Association).

emails, phone calls and messages that included threats of violence and death, as well as graphic videos and images.[133]

Faisal Kutty, Faisal Bhabha and Alex Neve told the committee that students who signed the letter were also blacklisted by several Toronto law firms and screened out of summer jobs by the Ontario Ministry of the Attorney General. Moreover, a group of prominent lawyers threatened to withhold professional placements for students if the law school did not punish the signatories.[134] Retired Chief Justice J. Michael MacDonald, who was hired to investigate the incident, ultimately found that the letter, while "greatly flawed," was not antisemitic or in violation of the school's code of conduct.[135]

The committee also received evidence from individuals who anonymously recounted experiencing discrimination during the course of their medical training due to their support for Palestine. In addition, CAPE for Palestine relayed examples of APR in Ottawa schools, including "students suspended for pro-Palestine social media posts, Palestinian flags confiscated, students discouraged from displaying Palestinian heritage and from raising funds for Gaza."[136]

Several participants viewed these responses to pro-Palestinian advocacy as a threat to freedom of expression—or what Dr. Zine called "the Palestine exception to free speech."[137] Mr. Yousri noted "I have even counselled Muslim lawyers who are fearful to utter a word or even express their pain to their colleagues while they mourn the loss of immediate family members in Gaza," highlighting the chilling effect of discrimination towards pro-Palestinian advocates on Muslim communities.[138]

2.5 The Legal and Policy Framework

Canada has several existing legal tools to combat discrimination and hate, including Islamophobia. Sections 318 and 319 of the *Criminal Code* set out certain offences for

133 Ibid.

134 JUST, Brief, 20 June 2024 (Faisal Kutty, Faisal Bhabha and Alex Neve).

135 Ibid.; JUST, Brief, 21 June 2024 (Canadian Muslim Lawyers Association); Retired Chief Justice J. Michael MacDonald, *Strengthening the Pillars: Report of the TMU External Review*, May 2024.

136 JUST, Brief, 21 June 2024 (CAPE for Palestine).

137 JUST, *Evidence*, 6 June 2024 (Jasmin Zine, Professor, Sociology and Muslim Studies Option, Wilfrid Laurier University, As an Individual). See also JUST, Brief, 20 June 2024 (Faisal Kutty, Faisal Bhabha and Alex Neve); JUST, Brief, 21 June 2024 (Mayada Elsabbagh); JUST, Brief, 17 June 2024 (Jamila Ewais); JUST, Brief, 16 July 2024 (Eve Haque).

138 JUST, *Evidence*, 10 June 2024 (Abdallah Yousri, Imam and Executive Director, Ummah Society).

hate propaganda targeting an "identifiable group," which includes a section of the public distinguished by race, religion, or national or ethnic origin.[139]

Section 318(1) makes it offence to advocate or promote genocide, defined as certain acts committed with the intent to destroy all or part of an identifiable group. Under section 318(3), proceedings for this offence can only be instituted with the consent of the Attorney General.

Section 319(1) makes it an offence to publicly incite hatred against an identifiable group in a way that is likely to lead to a breach of the peace. Section 319(2) makes it an offence to wilfully promote hatred against an identifiable group, except in private conversation, while section 319(2.1) sets out a specific offence for willfully promoting antisemitism by "condoning, denying or downplaying" the Holocaust.[140] The consent of the Attorney General is required for the latter two offences (s. 319(6)). A person charged with either of these offences may avail themselves of certain defences, including that "in good faith, the person expressed or attempted to establish by an argument an opinion on a religious subject or an opinion based on a belief in a religious text" (s. 319(3)(b)).

The *Criminal Code* also sets out an offence for committing mischief related to certain forms of property that is motivated by bias, prejudice or hate based on race, religion, or national or ethnic original, amongst other factors (s. 430(4.1)). In addition, evidence that an offence was motivated by bias, prejudice or hate is an aggravating factor upon sentencing under section 718.2(a)(i).

There are also a number of relevant constitutional protections under the Charter, though all are subject to reasonable limits under section 1 of the Charter. Section 2(a) of the Charter protects freedom of conscience and religion, which preserves the right of Muslims to identity with and openly practice their faith, while section 15 protects against government discrimination based on religion, race, national or ethnic origin, colour and sex, among other grounds. Of potential importance to those engaged in protest or other advocacy activities on behalf of Palestinians, the Charter also protects freedom of expression (s. 2(b)), freedom of peaceful assembly (s. 2(c)) and freedom of

139 *Criminal Code*, R.S.C. 1985, C-46.

140 The offence of wilfully promoting antisemitism was added to the *Criminal Code* in 2022 by the *Budget Implementation Act, 2022, No. 1*.

association (s. 2(d)). Several witnesses emphasized the importance of preserving these civil liberties.[141]

In addition to the above laws, non-governmental organizations such as universities often have their own policies against hate speech and discrimination.

2.5.1 Suggested Legislative Reforms

The committee heard some recommendations on how existing laws could be reformed to better hold perpetrators of Islamophobic hate accountable. Bill C-63 was already briefly discussed in section 2.1.2.1 (Online Hate). In addition, the CMPAC recommended the enactment of hate crime legislation "specifically targeting Islamophobia and anti-Palestinian racism, with provisions for robust penalties and comprehensive support for victims without infringing upon privacy and rights of individuals."[142] Dr. Islam advocated for amending the *Criminal Code* to include a vehicle as a weapon that may be prohibited under a weapons ban.[143]

Many witnesses were asked to comment on Bill C-373, An Act to amend the Criminal Code (promotion of hatred or antisemitism),[144] which would eliminate, as a defence to the wilful promotion of hatred or antisemitism, the fact that a person was expressing a religious opinion. While unfamiliar with the specifics of the bill, some expressed support for the idea that inciting hatred and violence should never be tolerated. "In my opinion, it should be forbidden. No hate should be allowed," stated Mr. Babili.[145] "[Y]ou can certainly disagree about theology. I don't see how it should extend to hatred or a promotion of prejudice—and certainly never to violence," added Dr. Islam.[146] Others, however, criticized the underlying assumption that Muslims or other religious minorities

141 See, in particular, JUST, *Evidence*, 3 June 2024 (Omar Babili, Student, As an Individual); JUST, *Evidence*, 6 June 2024 (Stephen Brown, Chief Executive Officer, National Council of Canadian Muslims); JUST, *Evidence*, 10 June 2024 (Amira Elghawaby, Special Representative on Combatting Islamophobia, Office of the Special Representative on Combatting Islamophobia).

142 JUST, Brief, 10 June 2024 (Canadian Muslim Public Affairs Council).

143 JUST, *Evidence*, 3 June 2024 (Ali Islam, As an Individual).

144 Bill C-373, An Act to amend the Criminal Code (promotion of hatred or antisemitism), 44th Parliament, 1st session.

145 JUST, *Evidence*, 3 June 2024 (Omar Babili, Student, As an Individual).

146 JUST, *Evidence*, 3 June 2024 (Ali Islam, As an Individual).

are fomenting hate.[147] Mr. Yousri emphasized the importance of protecting freedom of expression and freedom of religion.[148]

2.6 Responses from Authorities

Despite the legal tools that exist to counter hate and discrimination in Canada, the committee heard that the responses of those in positions of power to Islamophobia have often been inadequate and have sometimes perpetuated the problem. For example, Mr. Brown highlighted the failure of the authorities to respond to the many Islamophobic incidents leading up to the Quebec City mosque shooting in 2017, describing the response of politicians and the media as dismissive and "shameful."[149]

Regarding the post-October 7 context, Mr. Yousri observed "anger and frustration for lack of accountability towards the aggression taking place against members of the Muslim community here in Canada."[150] Ms. Shilbayeh told the committee that she and her peers have had to use a "buddy system" to ensure their safety while walking on campus. "It's really heartbreaking to know that we are not supported and we are not protected," she stated.[151]

The evidence regarding the responses of elected officials and governments, the justice system, schools and universities, and communities is outlined in further detail below.

2.6.1 Elected Officials and Government

One of the recurring themes heard by the committee was the importance of strong leadership from elected officials and others in positions of power. While Mr. Khan expressed appreciation for the government's forceful condemnation of past anti-Muslim

147 JUST, *Evidence*, 10 June 2024 (Amira Elghawaby, Special Representative on Combatting Islamophobia, Office of the Special Representative on Combatting Islamophobia; Husein Panju, Chair, Canadian Muslim Lawyers Association); JUST, *Evidence*, 6 June 2024 (Stephen Brown, Chief Executive Officer, National Council of Canadian Muslims).

148 JUST, *Evidence*, 10 June 2024 (Abdallah Yousri, Imam and Executive Director, Ummah Society).

149 JUST, *Evidence*, 6 June 2024 (Stephen Brown, Chief Executive Officer, National Council of Canadian Muslims)

150 JUST, *Evidence*, 10 June 2024 (Abdallah Yousri, Imam and Executive Director, Ummah Society).

151 JUST, *Evidence*, 3 June 2024 (Dareen Shilbayeh, Youth Coalition Combating Islamophobia).

hate crimes,[152] Ms. Shilbayeh criticized the "shaky" public messaging on Islamophobia.[153] As Dr. Islam put it:

> The messages the government has sent on this I don't think are convincing. I keep hearing 'Diversity is our strength.' It's a mantra. It doesn't carry any meaning for me. Why is it our strength? How has government shown that it's our strength? If you don't have an answer to that, I don't think people are going to believe it at face value when you say it.[154]

Several witnesses also called out elected officials for perpetuating dehumanizing anti-Muslim narratives, both historically and in the present moment.[155] With respect to the latter, Mr. Brown stated:

> Unfortunately, the response that the Muslim community in Canada has been receiving for months from our elected leaders has been duplicitous: One says they care about our concerns, and the other immediately turns around, further spreads misinformation and makes a deliberate attempt to villainize an entire community as hateful and intolerant people.[156]

Some of those who participated in the study suggested that government rhetoric and policy choices have contributed to discrimination against Palestinians and their supporters in particular.[157] As Ms. Hasan observed "we've seen the majority of politicians either mis-characterize or wrongfully smear the legitimate advocacy for Palestinians, or stay deafeningly silent."[158]

The call for political leaders to more firmly and unequivocally denounce Islamophobia and related forms of hate resounded throughout the evidence. "We need political leadership to speak unequivocally in support of the protection of the rights and freedoms of Muslim and Palestinian communities and, by extension, of all Canadians,"

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152 JUST, *Evidence*, 10 June 2014 (Asif Khan, National Secretary, Public Relations, Ahmadiyya Muslim Jama'at Canada).

153 JUST, *Evidence*, 3 June 2024 (Dareen Shilbayeh, Youth Coalition Combating Islamophobia).

154 JUST, *Evidence*, 3 June 2024 (Ali Islam, As an Individual).

155 Ibid. See also, for example, JUST, *Evidence*, 6 June 2024 (Stephen Brown, Chief Executive Officer, National Council of Canadian Muslims); JUST, *Evidence*, 3 June 2024 (Maryam Al-Sabawi and Hamza Omer, Youth Coalition Combating Islamophobia); JUST, Brief, 10 July 2024 (Canadian Muslim Public Affairs Council).

156 JUST, *Evidence*, 6 June 2024 (Stephen Brown, Chief Executive Officer, National Council of Canadian Muslims).

157 See, for example, JUST, *Evidence*, 10 June 2024 (Husein Panju, Chair, Canadian Muslim Lawyers Association); JUST, Brief, 21 June 2024 (CAPE for Palestine); JUST, Brief, 19 June 2024 (Ellen Gabriel); JUST, Brief, 17 June 2024 (Jamila Ewais); JUST, Brief, 21 June 2024 (Dyala Hamzah).

158 JUST, *Evidence*, 6 June 2024 (Samya Hasan, Executive Director, Council of Agencies Serving South Asians).

stated Dr. Hasan.[159] Mr. Brown similarly emphasized the need to protect civil liberties, "including the ability to critique foreign governments."[160]

Ms. Elghawaby highlighted some of the work her office has done to combat Islamophobia, including following up on recommendations made at the 2021 National Summit on Islamophobia, which she described as 35% complete.[161] She also touted the launch of a guide for law enforcement on anti-Muslim hate crimes, a digital tool kit highlighting the resilience of Muslim women and girls for Islamic History Month, and the government's new anti-racism strategy.[162]

However, the committee also heard about the limitations of existing government programs to combat Islamophobia. Speaking on behalf of his family, Dr. Islam pointed to a "lack of resources and insufficient willpower to understand hate and to talk about how it develops, how it's propagated and how it can be combatted."[163] He asked Parliament to do a better job of conveying why this issue matters.[164]

Mr. Nalir commended the federal government's Security Infrastructure Program but noted that it is difficult to access:

> We have no time to sit and wait, send applications, hear a response, this and that. We've been told no too many times. It's unfortunate, but we'd rather just protect ourselves by trying to raise money. We have little kids selling cookies to raise money to pay for our security guard. That's the reality at our mosque and at many other mosques I think.[165]

He suggested providing a liaison to assist with the application process in emergency situations.[166]

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159 JUST, *Evidence*, 10 June 2024 (Nadia Hasan, Assistant Professor, School of Gender, Sexuality and Women's Studies, York University, As an Individual). See also JUST, *Evidence*, 6 June 2024 (Stephen Brown, Chief Executive Officer, National Council of Canadian Muslims).

160 JUST, *Evidence*, 6 June 2024 (Stephen Brown, Chief Executive Officer, National Council of Canadian Muslims).

161 JUST, *Evidence*, 10 June 2024 (Amira Elghawaby, Special Representative on Combatting Islamophobia, Office of the Special Representative on Combatting Islamophobia).

162 Ibid.

163 JUST, *Evidence*, 3 June 2024 (Ali Islam, As an Individual).

164 Ibid.

165 JUST, *Evidence*, 3 June 2024 (Shaffni Nalir, General Manager, Toronto Islamic Centre and Community Service).

166 Ibid.

2.6.2 The Justice System

While strong leadership is essential, robust accountability measures must also be in place to effectively combat hate and discrimination. Dr. Zine emphasized that hate speech laws are an important tool in this regard. When it comes to online hate in particular, she opined that criminal prosecutions are more effective than reporting directly to social media companies.[167]

To facilitate the reporting and prosecution of hate crimes, Mr. Yousri emphasized the need to fund hate crime units in police services across the country. He noted that the first and only such unit in Atlantic Canada was established only recently and is struggling to operate due to a lack of resources.[168]

As it stands, the committee heard mixed evidence about the effectiveness of law enforcement in responding to Islamophobic incidents. On the one hand, Mr. Nalir expressed appreciation for the increased attention his mosque has received from law enforcement. "Engagement with law enforcement and having them present have put a band-aid over the wound and it has helped," he stated.[169]

On the other hand, some of those who participated in the study were strongly critical of how Muslims, Palestinians and their allies have been treated by law enforcement, particularly since 7 October 2023. For example, Mr. Panju pointed to "police officers using a disproportionate amount of force and tactics on pro-Palestinian demonstrators" as something that has contributed to Islamophobia.[170] The CMLA highlighted the police crackdowns on pro-Palestinian protestors in Alberta in May 2024, which involved officers in riot gear using explosives, batons, shields and special munitions to forcibly remove individuals from university encampments, as a particularly egregious example.[171] According to Jamila Ewais, the police are also failing to address the safety concerns of Palestinian students on campus.[172]

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167 JUST, *Evidence*, 6 June 2024 (Jasmin Zine, Professor, Sociology and Muslim Studies Option, Wilfrid Laurier University, As an Individual).

168 JUST, *Evidence*, 10 June 2024 (Abdallah Yousri, Imam and Executive Director, Ummah Society).

169 JUST, *Evidence*, 3 June 2024 (Shaffni Nalir, General Manager, Toronto Islamic Centre and Community Services).

170 JUST, *Evidence*, 10 June 2024 (Husein Panju, Chair, Canadian Muslim Lawyers Association). See also JUST, Brief, 21 June 2024 (CAPE for Palestine); JUST, Brief, 21 June 2024 (Canadian Muslim Lawyers Association).

171 JUST, Brief, 21 June 2024 (Canadian Muslim Lawyers Association). The CMLA noted that such behaviours reflect systemic police practices and are not limited to student protests.

172 JUST, Brief, 17 June 2024 (Jamila Ewais).

The evidence regarding the treatment of hate crimes within the court system was also mixed. On the one hand, Dr. Islam and Ms. Elghawaby commended the court decision finding that the Afzaal family truck attack amounted to terrorism. According to Ms. Elghawaby,

> it sends a very strong message that not only were they targeted as individuals […] but they were specifically targeted with an ideological motive in place. The ideological motive is indeed to send a message about the place of Muslims in this country and whether or not they belong. It was a message that was very painful for many, and we continue to carry it.[173]

In Dr. Islam's view, the finding enhances the safety of visible minorities by serving as a deterrent to those who might use a vehicle as a weapon.[174]

On the other hand, the committee heard some disappointment regarding the Supreme Court of Canada decision in the case of the Quebec City mosque shooter.[175] The decision struck down a law that had allowed for consecutive periods of parole ineligibility, reducing the shooter's period of parole ineligibility to only 25 years. As Ms. Mazhar explained:

> If I talk from the perspective of the Muslim community, Canadian Muslim community in general, of course, there was a lot of disappointment with this decision. It was perceived that Muslim lives are probably not as important as other lives lost.[176]

While expressing support for a restorative justice approach, Ms. Mazhar acknowledged the pain and trauma imposed on victims' families through repeated parole hearings. Dr. Islam commented that the parole system seems to be "weighted very heavily toward rehabilitation without giving proper weight to deterrence."[177] In his view, those who have committed the most heinous crimes should stay in prison.

2.6.3 Schools and Universities

As with law enforcement, there were concerns about the treatment of Muslims, Palestinians and their allies within educational institutions. Mayada Elsabbagh, a

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173 JUST, *Evidence*, 10 June 2024 (Amira Elghawaby, Special Representative on Combatting Islamophobia, Office of the Special Representative on Combatting Islamophobia).

174 JUST, *Evidence*, 3 June 2024 (Ali Islam, As an Individual).

175 JUST, *Evidence*, 6 June 2024 (Stephen Brown, Chief Executive Officer, National Council of Canadian Muslims); JUST, *Evidence*, 10 June 2024 (Fauzia Mazhar, Executive Director, Coalition of Muslim Women of KW).

176 JUST, *Evidence*, 10 June 2024 (Fauzia Mazhar, Executive Director, Coalition of Muslim Women of KW).

177 JUST, *Evidence*, 3 June 2024 (Ali Islam, As an Individual).

Palestinian Muslim professor at McGill, described "alarming levels of intimidation, marginalization, and threats to safety targeting faculty, staff, and students who are speaking out against genocide."[178] She also criticized the conflation of Islamophobia and APR in university Equity, Diversity and Inclusion (EDI) policies, which she viewed as facilitating the erasure and dehumanization of Palestinians on campus, especially after 7 October 2023.[179]

These concerns were echoed by others. Dyala Hamzah, an Associate Professor of Arab History at the University of Montreal, criticized her institution's policy of "denial and dismissal" with respect to APR.[180] Dr. Zine made reference to attempts by university administrators to evict student protestors from campus via court injunctions.[181] Adrian Deveau and Karina Roman Justo of the Art History Decolonial Action Group at Concordia University relayed how faculty members have warned students against talking about Palestine, and ignored the safety concerns of pro-Palestinian students.[182] Some of the briefs submitted to the committee also suggested that pro-Palestinian events on campus have been improperly scrutinized and sometimes canceled by university administrators due to security concerns.[183]

Perhaps most concerningly, according to the testimony of Mr. Babili and Mr. Brown, educational institutions have failed to support students and their families. For example, Mr. Babili recounted reaching out to his department to ask for an exemption from his final exams due to the anxiety he was experiencing after being attacked. "Their response was far from supportive," he told the committee.[184] Despite his efforts to seek support, nobody from the university reached out to help him or show concern, leaving him to navigate the situation on his own.[185] The lack of support for Hamza, the young boy who was beaten at school, was similarly concerning (see section 2.1.1 (Physical Violence, Threats, Harassment and Vandalism)). According to Mr. Brown, Hamza's parents

178 JUST, Brief, 21 June 2024 (Mayada Elsabbagh).

179 Ibid.

180 JUST, Brief, 21 June 2024 (Dyala Hamzah).

181 JUST, Brief, 30 May 2024 (Jasmin Zine).

182 JUST, Brief, 11 July 2024 (Adrian Deveau, Karina Roman Justo, and the Art History Decolonial Action Group).

183 JUST, Brief, 10 July 2024 (Carleton University Students for Justice in Palestine); JUST, Brief, 10 July 204 (Carleton University Muslim Students Association); JUST, Brief, 21 June 2024 (Dyala Hamzah).

184 JUST, *Evidence*, 3 June 2024 (Omar Babili, Student, As an Individual).

185 Ibid.

experienced such frustration with the school's response that they were forced to move to another school, while the bullies stayed put.[186]

2.6.4 Community

The committee heard that the burden and weight of combatting Islamophobia has in many instances fallen overwhelmingly upon Muslim communities. "Unfortunately, Muslim youth have to take that into their own hands now, and really, it's a responsibility that should not fall on their shoulders," stated Ms. Shilbayeh.[187]

Mr. Khan spoke of an "increase in political activism and advocacy among Canadian Muslims," particularly in the context of the current war.[188] He also highlighted the solidarity of many Jewish Canadians in supporting the Palestinian cause and combatting Islamophobia, which he described as "foster[ing] a profound sense of unity and mutual understanding between Jewish and Muslim communities in Canada."[189]

Many of the community-based initiatives described in the evidence centred around training, education, and raising awareness. For example, Ms. Shilbayeh told the committee that the Youth Coalition Combating Islamophobia has developed educational resources for school boards and law enforcement agencies.[190] As explained by Ms. Hasan, the Council of Agencies Serving South Asians has also worked with various school boards to develop anti-Islamophobia strategies in partnership with the NCCM. "Teaching children to be empathetic is a lot more impactful than teaching adults to unlearn the hate and bias that they've been exposed to all their lives," she explained.[191]

The Ummah Society has started to provide training to local police officers, first responders, government officials and others about Islam, Muslim culture, and Islamophobia, and has seen positive local impacts as a result. "Mandating such training

186 JUST, *Evidence*, 6 June 2024 (Stephen Brown, Chief Executive Officer, National Council of Canadian Muslims).

187 JUST, *Evidence*, 3 June 2024 (Dareen Shilbayeh, Youth Coalition Combating Islamophobia).

188 JUST, *Evidence*, 10 June 2014 (Asif Khan, National Secretary, Public Relations, Ahmadiyya Muslim Jama'at Canada).

189 Ibid.

190 JUST, *Evidence*, 3 June 2024 (Dareen Shilbayeh, Youth Coalition Combating Islamophobia).

191 JUST, *Evidence*, 6 June 2024 (Samya Hasan, Executive Director, Council of Agencies Serving South Asians).

for government officials and making it a requirement for receiving government funding, I believe, would make a huge difference," stated Mr. Yousri.[192]

Mr. Khan, for his part, emphasized the importance of raising awareness about Islam to counter ignorance and cultivate interfaith solidarity. As an example, he described how his community reached out to a person who fired bullets into one of their American mosques: "[W]e invited him to our mosque, and over time he came to see that this hatred of Islam was entirely misplaced. He became an ally and supporter of Islam, so the best means to remove ignorance is through education and by reaching out with open arms."[193]

Mr. Khan also told the committee that his community has been holding interfaith events across the country for several years. "The idea is to focus on your commonalities, not on your differences," he explained. "I think they [the interfaith programs] allow for everyone to realize that […] we're all part of the same human family."[194]

The committee also heard about the work of the Coalition of Muslim Women of Kitchener-Waterloo, including its anti-hate services, launched in 2021. These services allow for the reporting and documentation of hate and discrimination, as well as providing support to victims.[195]

Several stakeholders called on the government to increase its support to community-based efforts to tackle Islamophobia: "We need to support leaders and community organizations that are already doing the work, and that need help to do it, with financial support and otherwise," stated Ms. Elghawaby.[196] Ms. McFarlane emphasized the importance of working with community Imams, who are a "very important source of influence."[197] Mr. Panju added that, in addition to money, "there needs to be tangible action and engagement."[198]

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192 JUST, *Evidence*, 10 June 2024 (Abdallah Yousri, Imam and Executive Director, Ummah Society).

193 JUST, *Evidence*, 10 June 2014 (Asif Khan, National Secretary, Public Relations, Ahmadiyya Muslim Jama'at Canada).

194 Ibid.

195 JUST, *Evidence*, 10 June 2024 (Fauzia Mazhar, Executive Director, Coalition of Muslim Women of KW).

196 JUST, *Evidence*, 10 June 2024 (Amira Elghawaby, Special Representative on Combatting Islamophobia, Office of the Special Representative on Combatting Islamophobia). See also JUST, *Evidence*, 10 June 2024 (Fauzia Mazhar, Executive Director, Coalition of Muslim Women of KW); JUST, Brief, 10 July 2024 (Canadian Muslim Public Affairs Council).

197 JUST, *Evidence*, 10 June 2024 (Julie Macfarlane, Emerita Distinguished Professor of Law, As an Individual).

198 JUST, *Evidence*, 10 June 2024 (Husein Panju, Chair, Canadian Muslim Lawyers Association).

CHAPTER 3—CONCLUSIONS AND RECOMMENDATIONS

3.1 Building on Prior Work

Several of those participating in the study[199] recommended implementing the 13 recommendations made in the 2023 Standing Senate Committee on Human Rights' report on Islamophobia (reproduced in Appendix A of this report).[200] The evidence supporting these recommendations was gathered during 21 public meetings as well as through site visits to several provinces and written submissions. As Dr. Zine and Ms. Elghawaby noted, recommendations were also put forward by several organizations at the National Summit on Islamophobia hosted by the federal government on 22 July 2021,[201] to which the government responded with a number of commitments.[202]

While some of the above recommendations and commitments are being advanced through various initiatives, the committee heard that more needs to be done to ensure they are effectively implemented. Mr. Brown, for example, called for a specific action plan on Islamophobia to be incorporated as an addendum to Canada's anti-racism strategy, with a timeline for implementing the Senate recommendations.[203]

The committee agrees that the government must build on the work that has already been done to address Islamophobia, and consequently recommends:

Recommendation 1

That the Government of Canada fully implement all recommendations of the 2023 Standing Senate Committee on Human Rights' report entitled *Combatting Hate:*

199 See, for example, JUST, *Evidence*, 3 June 2024 (Ali Islam, As an Individual); JUST, *Evidence*, 6 June 2024 (Stephen Brown, Chief Executive Officer, National Council of Canadian Muslims); JUST, Brief, 16 July 2024 (Eve Haque); JUST, Brief, 18 June 2024 (Universities Canada).

200 Senate, Standing Senate Committee on Human Rights, *Combatting Hate: Islamophobia and its impact on Muslims in Canada*, Sixth report, November 2023.

201 JUST, *Evidence*, 6 June 2024 (Jasmin Zine, Professor, Sociology and Muslim Studies Option, Wilfrid Laurier University, As an Individual); JUST, *Evidence*, 10 June 2024 (Amira Elghawaby, Special Representative on Combatting Islamophobia, Office of the Special Representative on Combatting Islamophobia). See, for example, *NCCM Recommendations: National Summit on Islamophobia*, 19 July 2021.

202 Canadian Heritage, *The Government of Canada Concludes National Summit on Islamophobia*, News Release, 22 July 2021.

203 JUST, *Evidence*, 6 June 2024 (Stephen Brown, Chief Executive Officer, National Council of Canadian Muslims).

Islamophobia and its impact on Muslims in Canada **and follow through on all of the commitments made at the 2021 National Summit on Islamophobia.**

In addition to this recommendation, the evidence collected by the committee during this study brought forward new issues and proposals, particularly (but not exclusively) regarding the treatment of Palestinians and their allies in the context of the ongoing war in the Middle East. Additional recommendations arising from this new evidence are set out below.

Recommendation 2

That the Government of Canada:

- **formally recognize discrimination towards Palestinians as a distinct group;**
- **invest in research to better understand this form of discrimination, including how it intersects with Islamophobia and anti-Arab discrimination; and**
- **develop a concrete plan to combat this form of discrimination in consultation with Muslim, Arab and Palestinian communities.**

Recommendation 3

That the Government of Canada, in its public communications, firmly and unequivocally denounce Islamophobia and related forms of discrimination, including discrimination towards Arabs and Palestinians.

Recommendation 4

That the Government of Canada develop, in consultation with Muslim, Arab and Palestinian communities, and respecting the jurisdiction of the provinces and territories, initiatives aimed at promoting cultural understanding, challenging stereotypes and fostering empathy towards these communities, and provide sufficient resources to ensure the efficacy of these initiatives.

Recommendation 5

That the Government of Canada, in line with its commitment to build strong communities and celebrate multiculturalism, respecting the jurisdiction of, and in consultation and collaboration with, the provinces and territories, provide funding for

civic initiatives in communities across the country that teach critical thinking, digital literacy and resilience against all forms of hatred and extremism, including Islamophobia, anti-Arab discrimination, anti-Palestinian discrimination, antisemitism and other forms of bigotry.

Recommendation 6

That the Government of Canada develop legislative measures or policies to promote greater transparency with respect to social media algorithms, content enforcement policies and advertising, and to hold social media companies accountable for the harms they cause.

Recommendation 7

That the Government of Canada develop legislative measures to address online hate in consultation with, notably, members of Muslim, Arab and Palestinian communities, and that such measures include rigorous oversight mechanisms to guard against the suppression of legitimate speech from such groups.

Recommendation 8

That the Government of Canada enhance Public Safety Canada's Security Infrastructure Program by providing a liaison officer to assist with the application process in emergency situations.

Recommendation 9

That the Government of Canada provide additional resources to community-based initiatives to combat Islamophobia, anti-Arab discrimination and anti-Palestinian discrimination across the country, including research and data collection initiatives.

Recommendation 10

That the Government of Canada provide additional resources to establish and maintain dedicated police hate crime units across the country.

Recommendation 11

That the Government of Canada take active steps to better understand and address Islamophobia, anti-Arab discrimination and anti-Palestinian discrimination in federal workplaces, including revising relevant laws, policies, and professional development initiatives.

Recommendation 12

That the Government of Canada increase resources available to the Canadian Human Rights Commission and other relevant federal agencies to develop programs aimed at preventing antisemitism, Islamophobia, anti-Arab discrimination and anti-Palestinian discrimination in the workplace.

Recommendation 13

That the Government of Canada, respecting the jurisdiction of, and in consultation and collaboration with, the provinces and territories affirm the need for educational institutions, including universities, colleges and post-secondary institutions: to support the freedom of expression, academic freedom, safety and well-being of all students, staff and faculty; to provide clear direction on the difference between feeling safe and being uncomfortable; to increase representation of Muslim, Palestinian and Arab faculty members; and to dedicate resources to support students, faculty and staff, including designating Special Advisors to the Presidents to provide advice on civil liberties, Islamophobia and anti-Palestinian racism.

Recommendation 14

That the Government of Canada provide funding for the further collection of quantitative and qualitative data regarding experiences of Islamophobia, anti-Arab discrimination and anti-Palestinian discrimination on university campuses across the country.

Recommendation 15

That the Government of Canada convene a national review committee, comprised of federal, provincial and municipal representatives, university administrators, faculty members, and students, to understand the impact of increased Islamophobia, anti-Arab discrimination and anti-Palestinian discrimination across campuses, and to develop non-binding recommendations to ensure a healthier campus environment.

APPENDIX A: RECOMMENDATIONS OF THE STANDING SENATE COMMITTEE ON HUMAN RIGHTS

Below are the recommendations of the Senate Standing Committee on Human Rights' report entitled *Combatting Hate: Islamophobia and its impact on Muslims in Canada*.[1]

Recommendation 1

That the Government of Canada ensure that mandatory, regular training on Islamophobia and unconscious bias is in place for all employees throughout the federal government and its agencies, and that similar training is made available to the federal judiciary.

Recommendation 2

That the Department of Canadian Heritage develop a multimedia campaign and educational resources on Islamophobia that can be incorporated into classroom activities for various age groups, as well as professional training within the federal public service.

Recommendation 3

That the Government of Canada provide additional funding to address hate-motivated crimes, including to:

- **directly support affected individuals and communities;**
- **support the development of national police standards and training, including specialized training for dedicated hate crime units;**
- **provide more tools and resources to police forces to help them respond to hate crimes and hate-motivated incidents;**
- **introduce a federal hotline for reporting hate-motivated crimes in cooperation with all existing provincial versions, raise awareness of the**

1 Senate, Standing Committee on Human Rights, Combatting Hate: Islamophobia and its impact on Muslims in Canada, November 2023.

hotline, collect and regularly publish data, and train operators to refer callers to a range of federal and local services; and

- **enhance the Security Infrastructure Program, including by simplifying and providing additional support during the application process, considering a rebate-based system to ensure that communities have timely access to funding, and reducing the 50% cost-sharing requirement.**

Recommendation 4

That the Department of Justice undertake public consultations – with a particular focus on affected communities – and introduce amendments to create specific *Criminal Code* offences for hate-motivated crimes.

Recommendation 5

That the Department of Canadian Heritage undertake a review of the role and effectiveness of the Canadian Radio-television and Telecommunications Commission in fulfilling its mandate with respect to the broadcasting policy for Canada, particularly the requirement to reflect the needs, interests and aspirations of racialized communities.

Recommendation 6

That the Department of Justice introduce legislation to provide a mechanism for human rights complaints relating to online hate similar to former section 13 of the *Canadian Human Rights Act* to ensure that individuals have timely access to justice.

Recommendation 7

That a parliamentary committee undertake a comprehensive review of Canada's national security framework, as required by the *National Security Act, 2017*, and that this review include a particular focus on how to ensure proactive and meaningful transparency, and take into account systemic Islamophobia.

Recommendation 8

That the Department of Finance update the National Inherent Risk Assessment using the lens of intersectional Islamophobia.

Recommendation 9

That the Government of Canada introduce legislation requiring the Canada Revenue Agency to collect and publish data on religious organizations subject to audits and revocations, and to analyze such data to develop a strategy to reduce bias.

Recommendation 10

That the Minister of National Revenue review the mandate and functioning of the Review and Analysis Division of the Canada Revenue Agency, taking into account the conclusions of the pending review by the National Security and Intelligence Review Agency.

Recommendation 11

That the Department of Justice introduce legislation to establish an independent civilian body to review decisions of the Canada Revenue Agency's Charities Directorate and provide timely decisions on appeals.

Recommendation 12

That the Department of Justice introduce legislation to modernize the *Employment Equity Act*, including to ensure that intersectionality and Islamophobia are taken into account.

Recommendation 13

That Statistics Canada further invest in the proactive collection and dissemination of disaggregated data to better enable decision makers to take intersectional Islamophobia into account.

APPENDIX B:
LIST OF WITNESSES

The following table lists the witnesses who appeared before the committee at its meetings related to this report. Transcripts of all public meetings related to this report are available on the committee's webpage for this study.

Organizations and Individuals	Date	Meeting
As an individual	2024/06/03	107
Omar Babili, Student		
Ali Islam		
Toronto Islamic Centre & Community Services	2024/06/03	107
Shaffni Nalir, General Manager		
Youth Coalition Combating Islamophobia	2024/06/03	107
Maryam Al-Sabawi		
Hamza Omer		
Dareen Shilbayeh		
As an individual	2024/06/06	108
Dr. Anver M. Emon, Professor and Canada Research Chair in Islamic Legal History and Director of the Institute of Islamic Studies, University of Toronto		
Dr. Jasmin Zine, Professor, Sociology and Muslim Studies Option, Wilfrid Laurier University		
Center for Countering Digital Hate	2024/06/06	108
Imran Ahmed, Chief Executive Officer and Founder		
Council of Agencies Serving South Asians	2024/06/06	108
Dr. Samya Hasan, Executive Director		
National Council of Canadian Muslims	2024/06/06	108
Stephen Brown, Chief Executive Officer		
Ahmadiyya Muslim Jama'at Canada	2024/06/10	109
Asif Khan, National Secretary, Public Relations		

Organizations and Individuals	Date	Meeting
As an individual	2024/06/10	109
Dr. Nadia Hasan, Assistant Professor, School of Gender, Sexuality and Women's Studies, York University		
Dr. Julie Macfarlane, Emerita Distinguished Professor of Law		
Canadian Muslim Lawyers Association	2024/06/10	109
Husein Panju, Chair		
Centre culturel islamique de Québec	2024/06/10	109
Boufeldja Benabdallah, Co-Founder and Spokesperson		
Coalition of Muslim Women of KW	2024/06/10	109
Fauzia Mazhar, Executive Director		
Office of the Special Representative on Combatting Islamophobia	2024/06/10	109
Amira Elghawaby, Special Representative on Combatting Islamophobia		
Ummah Society	2024/06/10	109
Abdallah Yousri, Imam and Executive Director		

APPENDIX C:
LIST OF BRIEFS

The following is an alphabetical list of organizations and individuals who submitted briefs to the committee related to this report. For more information, please consult the committee's webpage for this study.

1, Anonymous Authors - Auteurs anonymes

Adira, Raihaana

Al-Naser, Asma

Arab Canadian Lawyers Association

Art History Decolonial Action Group

Ayoup, Colleen

Bdeir, Leila

Benhadjoudja, Leila

Bhabha, Faisal

Canadian Association of Professional Employees for Palestine

Canadian Muslim Lawyers Association

Canadian Muslim Public Affairs Council

Canadian Women Against Antisemitism

Carleton University Muslim Students' Association

Carleton University Students for Justice in Palestine

Center for Countering Digital Hate

Centre for Israel and Jewish Affairs

Davis, David H.

Deveau, Adrian

Diab, Zeinab

Diner, Robyn

Elsabbagh, Mayada

Emon, Dr. Anver M.

Ewais, Jamila

Gabriel, Ellen

Hamzah, Dyala

Hannouche, Mathew

Haque, Eve

Hartman, Michelle

Human Rights Action Group

Integrity Not Spite Against Falastin

Jewish Educators and Family Association of Canada

Kathwaroon, Maggie

Kermalli, Shenaz

Kutty, Faisal

LaForme, Hon. Harry S.

LaForme, Janice

Lawyers for Secure Immigration

Mekideche, Neyra

Nagra, Dr. Baljit

Neve, Alex

Rantisi, Norma

Riley, Krista

Roman Justo, Karina

Ross, Leah

Saltiel, Zev

Sandler, Mark

Secure Canada

Smith, Louise

Solomonian, Dr. Leslie

Stander, Delwen

Universities Canada

Vallée, Jackie

Winnipeg Friends of Israel

Zine, Dr. Jasmin

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the committee requests that the government table a comprehensive response to this report.

A copy of the relevant *Minutes of Proceedings* (Meetings Nos. 107 to 109, 111, 113, 115, 116, 118 and 122) is tabled.

Respectfully submitted,

Lena Metlege Diab
Chair

Islamophobia and Additional Measures that Could be Taken to Address the Valid Fears that are Being Expressed by Canada's Muslim Community

Standing Committee for Justice and Human Rights

This dissenting report reflects the views of the Conservative Members who sit on the Standing Committee on Justice and Human Rights; M.P. Larry Brock (Shadow Minister for Justice and Attorney General of Canada, Vice Chair, Brantford-Brant), M.P. Jamil Jivani (Durham), M.P. Michelle Ferreri (Shadow Minister for Families, Children and Social Development, Peterborough—Kawartha), and M.P. Tako Van Popta (Shadow Minister for Pacific Economic Development, Langley—Aldergrove).

Introduction

After nine years of the NDP-Liberal government, Canada is more divided and unsafe than ever. Justin Trudeau's declaration that Canada is a "post-national state" with no core identity has undermined the very essence of what once united us as a nation. Under his leadership, hate crimes have surged by 251%, and soft-on-crime policies allow repeat offenders to walk free within hours of their arrest, endangering communities across the country.

This report was intended to address an urgent and sensitive matter, the rising tide of hate crimes in Canada, particularly Islamophobia. As Islamophobia continues to escalate under the current Liberal government, it is more important than ever that parliamentarians work together to combat violence, hate, and discrimination. A unified response is essential to ensure that all Canadians can live free from fear.

Discrepancy Amongst Reports

Unfortunately, the Liberal government's politically charged and inconsistent approach to the conflict in the Middle East has only deepened divisions. Liberal MPs have sent conflicting messages—publicly supporting Israel while delivering contradictory rhetoric to pro-Palestinian groups. This same divisiveness has been reflected in the handling of the reports on Islamophobia and antisemitism.

Initially, all parties agreed to approach the reports on Islamophobia and antisemitism equally. Yet, Liberal members failed to deliver on this commitment, taking a one-sided approach that undermined the integrity of the process. By splitting the study into two separate groups—where different Liberal Members sat before the committee for the Antisemitism study versus the Islamophobia study—the Liberals created confusion and inconsistency amongst the two reports. This approach undermined the original intent of

the studies and further deepened the divisions that these reports were meant to resolve.

For instance, during the antisemitism study, witnesses acknowledged that one could hold a pro-Zionist position while criticizing Israeli government policies. Yet, the Islamophobia study failed to adopt a similar approach. It did not affirm that criticism of Palestinian actions, such as those of Hamas, could be separated from anti-Muslim bias or racism. This disparity in how the two studies and reports were approached highlights their inconsistent and unequal treatment of these important topics.

The Focus of the Study

Conservative Members of the Justice Committee supported studying the rise of Islamophobia in Canada but are disappointed that the committee's scope expanded to include anti-Palestinian racism (APR) and anti-Arab racism. Nine of the thirteen recommendations in the report focus on these issues, shifting the focus away from Islamophobia toward political issues of national identity. This shift is unhelpful and undermines the importance of witness testimony on the committee's original mandate: addressing the valid concerns of Canada's Muslim community regarding Islamophobia.

Dr. Avner M. Emon, a professor at the University of Toronto, highlighted this confusion in his testimony, noting that the committee's mandate suffers from a "fundamental category error." He argued that the hatred directed at Palestinians should not be conflated with Islamophobia, as Palestinians are not synonymous with Muslims. Conservatives agree with Dr. Emon's analysis and believe that the issue of anti-Palestinian racism should be studied independently, not within the context of Islamophobia[1].

Numerous community groups also support the perspective of Conservatives. To demonstrate, the Centre for Israel and Jewish Affairs (CIJA) expressed concerns in their June 21, 2024 brief, stating: "What makes us want to be on the record today is that a new concept, that of Anti-Palestinian Racism (APR), is being promoted, whose express objective is to negate the Jewish experience, identity and values, while also dismissing and diminishing the real need to define and combat Islamophobia." [2]

CIJA further stated that the definition of APR introduced by the Arab Canadian Lawyers Association (ACLA) introduces categories based on national origin and political opinion, which diverge from the established anti-racism definition. They warned that this

[1] https://www.ourcommons.ca/Content/Committee/441/JUST/Evidence/EV13175608/JUSTEV108-E.PDF

[2] https://hoccdc.sharepoint.com/sites/CMTE-441-JUST/DBCDocuments/JUST_EN_Brief_CentreforIsraelandJewishAffairs_Self-initiatedinquir_1934437.pdf

“fosters a divisive environment within Canadian society by pitting groups against each other in what resembles a zero-sum game of competing claims of discrimination.”[3]

Similarly, Janice LaForme from the Alliance Combating Campus Antisemitism in Canada (ALCCA) stated in her June 21, 2024 brief that the concept of APR is “seriously flawed and will undermine the rights and freedoms of Canadians, particularly Canadian Jews and non-Jewish Zionists.”[4]

Mark Sandler, also from ALCCA, warned in his June 21, 2024 brief that some seek to weaponize the definition of APR to demonize Zionism and Jews, stating, “They often seek to define APR so as to effectively include as racist any challenge to Palestinian narratives on the creation of the State of Israel or on the conflicts that followed.” He concluded: “It took a decade of scholarship and expertise and international consultation to develop the IHRA– International Holocaust Remembrance Alliance– definition of Antisemitism. Some are now asking this Committee, which is mandated to examine antisemitism and Islamophobia, to opine on APR. It is outside the Committee’s mandate”. [5]

Therefore, this shift away from the original mandate of the study dilutes the focus on the legitimate concerns of Canada's Muslim community, undermining the valuable testimony provided by witnesses who spoke specifically about Islamophobia. The inclusion of APR, as highlighted by various community organizations, introduces new and complex categories that risk complicating the conversation and fostering division rather than unity. Experts like Dr. Avner Emon, as well as organizations such as CIJA and ALCCA, have emphasized that the issue of anti-Palestinian racism warrants separate and independent study.

Despite Conservative Members' insistence on the importance of staying true to the committee's original purpose—focusing on the understanding and combating of Islamophobia, without allowing political issues of national identity to overshadow the legitimate concerns of marginalized communities—we believe this report does not fully reflect that.

Recommendations to the Government of Canada

In light of the evidence and the urgency of the situation, we propose the following recommendations for the Government of Canada:

[3] https://hoccdc.sharepoint.com/sites/CMTE-441-JUST/DBCDocuments/JUST_EN_Brief_CentreforIsraelandJewishAffairs_Self-initiatedinquir_1934437.pdf

[4] https://www.ourcommons.ca/Content/Committee/441/JUST/Brief/BR13226682/br-external/LaFormeJanice-e.pdf

[5] file:///C:/Users/CoultR.413/Downloads/JUST_EN_Brief_MarkSandler_Self-initiatedinquir_1934463.pdf

1. The Government of Canada must adopt a principled and unwavering stance regarding the ongoing conflict in Israel. The current mixed messaging from the Liberal government—supporting Israel within Jewish communities while offering contradictory statements to pro-Palestinian groups—has deeply divided Canadians. This politically expedient approach is damaging to national unity. Canada must present a unified, moral foreign policy that reflects our commitment to peace, security, and justice for all parties involved.
2. We call for the immediate suspension of Canadian taxpayer funding to the United Nations Relief and Works Agency (UNRWA) until it is verified that no Canadian dollars are supporting terrorism or terrorist organizations. The government's ongoing funding to UNRWA, despite its ties to Hamas and promotion of anti-Israel sentiments, is unacceptable. Canada must ensure its resources are not used to fund violence or destabilize peace efforts.
3. While fostering empathy and peaceful coexistence is important, the responsibility for promoting tolerance and unity should lie with religious leaders, not the government. These leaders are best positioned to guide their communities. The government should support these efforts, rather than impose values that may not align with the specific cultural and religious contexts of diverse communities. Empowering religious leaders to promote understanding is a more effective approach than top-down imposition of policies.
4. While initiatives to promote digital literacy, critical thinking, and resilience against extremism are important, DEI policies have had unintended consequences. These policies have frequently been used to marginalize certain groups and have failed to effectively combat hate, as demonstrated by the alarming rise in incidents of Islamophobia and antisemitism, a concern consistently highlighted through witness testimony before this committee. The government must abolish DEI policies and ensure they do not perpetuate division or undermine the goal of fostering inclusive, respectful communities.
5. Instead of introducing new hate crime legislation, as suggested in the recommendations, the government should focus on enforcing the laws already in place. Canada has robust legal frameworks to combat hate crimes and discrimination; the issue lies in their inconsistent application. The government must be tougher on crime, ensuring that existing laws are consistently and effectively applied to combat the rise in hate-fueled violence and discrimination.

These recommendations are designed to guide Canada toward a more cohesive, principled approach to combating all forms of hatred. Canada's policies must prioritize the safety, security, and dignity of all Canadians, including Muslim communities. By taking immediate action to address hate crimes, strengthen law enforcement, and ensure Canada’s leadership in global efforts against terrorism and hate, we can foster a more just, secure, and inclusive society for all.

Conclusion

Antisemitism and Islamophobia are evils that must be eradicated. It is our moral duty as Canadians and as Parliamentarians to speak out against them and ensure that those responsible for these heinous acts face the consequences. Conservative leadership would ensure that law enforcement has the proper tools to fight hate and that these laws are enforced consistently.

Conservatives believe we must first fully understand what APR entails and ensure it does not conflict with other forms of discrimination recognized in Canadian law. In particular, it should not clash with the IHRA definition of antisemitism. The emphasis on APR and anti-Arab racism in this report detracts from the important testimony on Islamophobia, and we agree with Dr. Emon that the committee's mandate suffers from a "fundamental category error" by expanding beyond its original focus.[6]

We support the report's recommendations regarding Islamophobia but believe that the study should have remained focused on this issue, not diverted to political questions of national identity. It's important to note that Conservatives are not alone in this perspective; numerous community members and organizations supported our preference to maintain a narrower focus, as was the initial objective of this study.

[6] https://www.ourcommons.ca/Content/Committee/441/JUST/Evidence/EV13175608/JUSTEV108-E.PDF

Dissenting Opinion of the Bloc Québécois

The Bloc Québécois commends the members of the Committee Clerks, analysts and all Library of Parliament staff for their professionalism and their work during this study, and it wishes to thank all the witnesses and members of the public who contributed to the debate and discussions. This study would not have been possible without them.

Pursuant to the motion of 21 March 2024, the Committee agreed that it would conduct two studies: one on Islamophobia and the other on antisemitism. In the interests of fairness, in view of the social climate aggravated by the war between the state of Israel and Hamas, and in consideration of the tensions on certain campuses, the Committee agreed that it would conduct these two studies simultaneously. The Bloc Québécois supported and actively participated in the Committee's approach.

The Bloc Québécois strongly condemns the change in direction by the Committee, which was unable to resist the temptation to turn this important study into a trial of Quebec society, and vehemently opposes this report.

QUEBEC SECULARISM

The first recommendation in this report is to fully implement the recommendations of the 2023 Standing Senate Committee on Human Rights' report *Combatting Hate: Islamophobia and its impact on Muslims in Canada*. However, this Senate report is so misinformed that it amounts to disinformation and anti-Quebec propaganda:

- The Senate states that Quebec secularism imposes religious discrimination instead of respect for religious neutrality, despite the fact that the legislation is based on freedom of conscience and freedom of religion.
- The Senate condemns the use of the notwithstanding clause, which is a constitutional prerogative of Quebec, without which many of Quebec's social and historical advances, such as the agricultural succession legislation, employment equity legislation, small claims court and the youth court, would not have been possible. However, the members of the Canadian Senate, themselves non-elected, are questioning the legitimacy of these choices, which the Quebec National Assembly was legitimately entitled to make by invoking the notwithstanding clause.
- The Senate incorrectly suggests that the provision in the *Act respecting the laicity of the State* prohibiting individuals from wearing religious symbols while performing their duties is applied unequally or targets a specific group or denomination. The Act does not target any denomination, applies to everyone and

is based on the principle that all citizens are equal. This is an unfounded and serious accusation.

- The Senate also added to the criticism of the Quebec model by stating: “the committee was shocked to learn that it [the law] also indirectly emboldened marginal racist groups and individuals”. The Senate, in blaming Quebec's secularism for racist intentions and acts in society, has erred and demonstrates a great misunderstanding of the Quebec nation.

- The Senate also took the liberty to suggest that democratic debate in Quebec is in itself a source of danger for victims of hate crimes, reporting that “public debate over secularism and religious symbols has closely correlated to a rise in hate crimes.” It's perhaps understandable that unelected legislators dislike democratic conversation, but we deplore it. It's easy for power that doesn't rest on the consent of the people to stay away from it.

- The Senate also states that “ultimately, Bill 21 has prompted many Muslims to leave Quebec, seeking career opportunities and greater inclusion elsewhere.” This is just disinformation.

- Lastly, the Senate saw fit to reproduce the words of former Calgary mayor Naheed Nenshi, who called on the Senate to condemn “religiously bigoted laws across this country, including Bill 21 in Quebec.” Thus, against all logic and without any reasonable basis, the Senate has seen fit to call the *Act respecting the laicity of the State* religiously bigoted.

Whatever slanderous terms Canadian activists can come up with to express their rejection of Quebec legislation, the fact remains that the Canadian Parliament has no legitimacy to attack Quebec’s laws. The citizens of Quebec can legitimately oppose, in whole or in part, legislation such as the *Act respecting the laicity of the State*. They participate in a democratic conversation belonging to the Quebec nation that influences the decisions made up of members democratically elected by the Quebec National Assembly.

Therefore, the question is this: does the House of Commons really want to associate itself with the Senate’s public campaign to smear the Quebec nation? Adopting this report by the Justice Committee is precisely to do just that.

Regarding this report of the Standing Committee on Justice and Human Rights, comments by certain witnesses about Quebec legislation, particularly the *Act respecting the laicity of the State*, misled Committee members about the purpose and effects of secularism.

The way it is portrayed is not objective and is based neither on the content of the legislation nor on the literature regarding the secular nature of the State.

The quote from Canada's special representative on combatting Islamophobia, Amira Elghawaby, is revealing and appalling. Ms. Elghawaby, a federal official appointed by the Prime Minister, said that the *Act respecting the laicity of the State* creates "second-class citizenship" and that the Act "immediately … gives licence or permission to those who may hold discriminatory views to treat these citizens differently from others."

This is incorrect, dishonest and undermines social cohesion. Ms. Elghawaby, or anyone else, would be unable to demonstrate that a piece of Quebec legislation would incite people to discriminate against others.

The Committee is inconsiderate and misguided when it suggests that secularism is incompatible with liberal democracy. Secularism is a humanist and democratic principle based on four key pillars:

- religious neutrality of the state
- separation of church and state
- equality of citizens
- freedom of belief

Canada opted for the model of religious neutrality, where religious affiliations can be expressed within the state, including by public officials in positions of authority. The Canadian legal tradition is based largely on the British tradition. Great Britain is a country with a state religion (Anglican in England, Presbyterian in Scotland), of which the sovereign is the guardian. With the UK unable to take religion out of the state, the only way it could deal with religious diversity was to allow all religions to have a place. This is the model that Canada has replicated.

Quebec, which has a different legal tradition and unique historical experience, has opted for another model – secularism. This is a legitimate choice adopted by several democratic states. The European Court of Human Rights has heard 14 cases concerning the banning of religious symbols in the education system. In all cases, it has ruled that these laws are consistent with fundamental rights, particularly those concerning freedom of conscience and religion.[1]

In Quebec, secularism is not a barrier to respecting diversity, but rather a condition for it. It is because Quebec is a pluralistic society and because citizens, equal before the law,

[1] Among others, the following decisions: *Mikyas and others* v. *Belgium* (req. n°50681/20), *Ebrahimian* v. *France* (req. n°64846/11). *Dogru* v. *France* (req. n°27058/05). *Leyla Şahin* v. *Turkey* (req. n°44774/98).

enjoy freedom of conscience and belief that the state and its agents are subject to a duty of restraint. This is all the more important in our education system, where we defend the right of Quebec students to a secular public education. In this way, the *Act respecting the laicity of the State* contributes to the secularization of Quebec schools, which began with the creation of the Department of Education and the public education system in 1964.

We can appreciate that the political philosophy and conception of citizenship underpinning Quebec's approach to secularism can be foreign to Canadians influenced by Anglo-American liberalism. Whether or not they are are interested in knowing Quebec's rich history, nothing gives them the right to judge Quebec's democratic choices. Furthermore, statements equating the democratic choices of Quebeckers with a kind of intolerance that is inherent to the nation are themselves an expression of intolerance, the product of a cultural bias, that must be condemned.

All things considered, the federal Parliament does not have the authority to judge Quebec laws, and the House of Commons should not repeat the affront committed by the Senate, which took part in the denigration of Quebec's distinct character as well as publicly displayed its ignorance of Quebec society and absolute lack of understanding of the political and philosophical challenges so central to democratic discussion in Quebec.

RECOMMENDATIONS

The Bloc Québécois firmly believes in democratic values and institutions. Our campaign for sovereignty is democratic, inclusive and consistent with human rights and freedoms. Our politics are guided by humanist principles and a steadfast commitment to the value, dignity and autonomy of individuals. At every opportunity and as often as necessary, we condemn in the strongest terms all forms of hate speech and hate crimes.

In Quebec, as in Canada, hatred and discrimination are intolerable, and public authorities are right to take actions to condemn and combat them. The deadly assault on the Great Mosque of Quebec City, the van attack on a Muslim family in London, Ontario, a series of violent incidents, threats and hatred online have devastating tangible effects on their victims and their loved ones while making people from Muslim cultural or religious backgrounds feel unsafe.

While the Committee's study, and in particular the testimony heard and the many briefs received, will inform decision makers and suggest useful and relevant courses of action, the Bloc Québécois believes that the recommendations to the House and the government contained in the main report do not constitute a carefully tailored response.

In Canada, legislative authority is divided between the Parliament of Canada and the legislative assemblies of the provinces, and each is fully independent in its assigned exclusive fields of jurisdiction. The fight against discrimination and racism and the promotion of individual and collective rights are not specific fields of jurisdiction, so public problems and the policies intended to address them must be linked to the jurisdiction of one order of government or the other.

Yet, many of the recommendations in the main report propose public policies that fall within the exclusive jurisdiction of Quebec and the provinces. The federal government has its own responsibilities regarding the fight against racism and the promotion of rights. First, its legislative authority over criminal law enables it to crack down on hate speech and hateful acts. To that end, the Bloc Québécois proposed legislative measures to more effectively combat hate crime. Second, its jurisdiction over telecommunications, including online communications, gives it every opportunity to address a crucial aspect of racism: online hate speech.

Furthermore, the federal government, as Canada's largest employer, must promote discrimination-free workplaces and is responsible for taking action on the workplaces under its jurisdiction.

The Bloc Québécois believes it is pointless and counterproductive for parliamentarians to issue public policy recommendations in areas outside Parliament's jurisdiction. This growing tendency among House of Commons committees is especially regrettable when it concerns critical public problems, such as the protection of fundamental rights and efforts to combat hatred, violence and discrimination, because these problems do call for a tailored public response – that is, a realistic and effective one.

It has become common at the House to awkwardly add the phrase "without infringing provincial jurisdiction" or similar wording when the proposal being made is not strictly consistent with that jurisdiction. This practice reveals that parliamentarians are playing fast and loose with the Constitution and the very foundations of Canadian federalism, betraying a preference for moving toward a centralized state, or that they are admitting the policy they intend to support will fail, or both. The Bloc Québécois rejects that approach, which dishonours the institution and shows a lack of regard for the public, who have a right to expect public authorities to propose solutions that are relevant and tailored to the problems they face.

As Quebec sovereigntists engaged in federal politics, we fully understand any dissatisfaction with Canada's fundamentally dysfunctional federal system. But that does not change the basic fact of public policymaking that a policy's success depends on properly accounting for the institutional environment and social reality in which it is created and implemented.

Accordingly, the Bloc Québécois supports some of the recommendations that would enable the federal government to improve its practices and policies, mobilize the machinery of government to fight discrimination and hatred, and amend legislation, including the *Criminal Code*, to better protect individuals and communities from hateful acts and hate crimes.

Parliament should look to the Bloc Québécois's proposal to eliminate the religious exception to the legislative provisions criminalizing hate speech and the incitement of violence. The Member for Lac-Saint-Jean, and Bloc Québécois Critic for Immigration, Refugees and Citizenship and Human Rights, has introduced Bill C -373, An Act to amend the Criminal Code. This bill would amend the *Criminal Code* to eliminate as a defence against wilful promotion of hatred the fact that a person, in good faith, expressed or attempted to establish by an argument an opinion on a religious subject or an opinion based on a belief in a religious text. A number of witnesses welcomed the bill, and the Bloc Québécois believes that this proposal should have been included in the report's recommendations.

We are also opposed to recommendations that suggest federal intervention in Quebec's exclusive jurisdictions, particularly in the field of education. It is unacceptable that the federal government should invent for itself rights of oversight over the administration of educational establishments, particularly in terms of hiring and curriculum content. The support of some, indeed a majority, of federal parliamentarians for these disturbing proposals deserves to be denounced.

In particular, the Bloc Québécois wishes to state its profound disagreement with recommendation no. 13 of the Main Report. This recommendation, in addition to being a flagrant intrusion into the exclusive jurisdiction of Quebec and the provinces in matters of education, calls for "increasing the representation of Muslim, Palestinian and Arab faculty members". It is inconceivable that Quebec and Canadian universities should have a quota of Muslim, Palestinian or Arab professors, and the Bloc Québécois will never support the idea of professors being appointed on the basis of their religion or ethnicity, rather than their knowledge and competence. This recommendation goes completely against academic freedom and the autonomy of post-secondary educational institutions.

We would add that this proposal to impose ethnic and religious hiring in universities clearly stems from a request made by Ms. Amira Elghawaby, Canada's Special Representative for Combating Islamophobia, in September 2024. On September 17, 2024, the Quebec National Assembly unanimously adopted a motion denouncing Ms. Elghawaby's remarks. The Bloc Québécois also immediately expressed its firm opposition to Ms. Elghawaby's request.

Overall, the report seems silent on a key fact: Quebec has its own anti-discrimination policies and policies to promote and defend human rights, and these issues are also considered by the Quebec nation's elected officials, who sit in the Quebec National Assembly. The Government of Quebec is and must remain in charge of the fight against racism in Quebec. While the issue the Committee studied is important to both the Canadian nation and the Quebec nation, let us be clear that our two nations hold separate and parallel democratic conversations on the aspects of the issue fundamental to them.

The ability to live in harmony, the management of social diversity, intercultural dialogue, cultural and linguistic sovereignty, the integration of immigrants, the secular state, the protection and promotion of rights and the fight against discrimination are all fundamental issues for the Quebec nation.

As provided by the *Act respecting the exercise of the fundamental rights and prerogatives of the Québec people and the Québec state*, the Quebec government is sovereign in its fields of jurisdiction. The Quebec National Assembly consists of members elected by universal suffrage by the Quebec people and derives its legitimacy from them, being the only legislative body exclusive to them. All matters relating to the future of the Quebec people fall within the rights and prerogatives of the National Assembly.

The National Assembly did not ratify the *Constitution Act, 1982*, and on the 30th anniversary of that constitutional power grab, it unanimously and formally reaffirmed that it had never endorsed that Act, which limited Quebec's rights and powers without its consent and remains unacceptable to Quebec.

In Quebec, the *Charter of human rights and freedoms* establishes and protects fundamental rights. The Quebec Charter protects every person's right to dignity and equality. It prohibits all discrimination based on ethnic or national origin, skin colour and other factors.

Section 9.1 of the Quebec Charter also states the following: "In exercising his human rights and freedoms, a person shall maintain a proper regard for democratic values, State laicity, the importance given to the protection of French, public order and the general well-being of the citizens of Québec."

Consequently, Parliament must refrain from legislating on matters that are fundamental to the Quebec people.

If Canada intends to be on good terms with the Quebec nation, its elected officials must recognize Quebec's firm commitment to upholding human rights and freedoms, acknowledge that Quebec did not ratify the *Constitution Act, 1982*, and practise asymmetric federalism in accordance with the House of Commons motion recognizing the Quebec nation.

This recognition should include passing federal legislation providing that the *Canadian Multiculturalism Act* does not apply to Quebec, given that the Québécois constitute a nation and that they therefore possess all the tools required to define their identity, embrace pluralism and protect their common values.

The Bloc Québécois has introduced such legislation in the House of Commons on several occasions. Most recently, we introduced Bill C-226, An Act to amend the Canadian Multiculturalism Act, during the 43rd Parliament. On Wednesday, 9 June 2021, parliamentarians from the Canadian parties, including their federalist representatives from Quebec, voted against this Bloc Québécois proposal.

In conclusion, federal anti-discrimination policies not only would be more effective if they better accounted for the respective responsibilities of the various public authorities involved, but also could become more coherent if they recognized Canada's multinational nature and allowed for different policies in Quebec.